

SPECTRUM INNOVATION ACT OF 2022

JULY 22, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

[To accompany H.R. 7624]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 7624) to make available additional frequencies in the 3.1–3.45 GHz band for non-Federal use, shared Federal and non-Federal use, or a combination thereof, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Spectrum Innovation Act of 2022”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SPECTRUM AUCTIONS AND INNOVATION

Sec. 101. Spectrum auctions and innovation.

TITLE II—SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM

Sec. 201. Increase in limitation on expenditure.

TITLE III—NEXT GENERATION 9–1–1

Sec. 301. Further deployment and coordination of Next Generation 9–1–1.

Sec. 302. Transfer to NTIA of sole responsibility for certain 9–1–1 implementation coordination functions.

TITLE IV—INCUMBENT INFORMING CAPABILITY

Sec. 401. Incumbent informing capability.

TITLE V—EXTENSION OF FCC AUCTION AUTHORITY

Sec. 501. Extension of FCC auction authority.

TITLE VI—PUBLIC SAFETY AND SECURE NETWORKS FUND

Sec. 601. Public Safety and Secure Networks Fund.

TITLE I—SPECTRUM AUCTIONS AND INNOVATION

SEC. 101. SPECTRUM AUCTIONS AND INNOVATION.

(a) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(2) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(3) COVERED BAND.—The term “covered band” means the band of frequencies between 3100 megahertz and 3450 megahertz, inclusive.

(4) FEDERAL ENTITY.—The term “Federal entity” has the meaning given such term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(5) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” means—

(A) the Committee on Energy and Commerce of the House of Representatives;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Armed Services of the House of Representatives; and

(D) the Committee on Armed Services of the Senate.

(6) RELOCATION OR SHARING COSTS.—The term “relocation or sharing costs” has the meaning given such term in section 113(g)(3) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)).

(7) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(b) 3.1–3.45 GHZ BAND.—

(1) PIPELINE FUNDING.—

(A) IN GENERAL.—Federal entities with operations in the covered band that the Assistant Secretary determines might be affected by reallocation of the covered band may request funding to carry out activities as described under subparagraph (A) of subsection (g)(2) of section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) in order to make available the entire covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof, including by making available—

(i) frequencies in the covered band for identification by the Secretary under paragraph (2)(A); and

(ii) frequencies in the covered band for identification by the Secretary under paragraph (2)(B).

(B) PLAN.—Federal entities with operations in the covered band that the Assistant Secretary determines might be affected by reallocation of the covered band shall submit a plan in accordance with subparagraph (E) of subsection (g)(2) of section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) to request funding.

(C) EXEMPTION.—Section 118(g)(2)(D)(ii) of the National Telecommunications and Information Administration Organization Act (47 U.S.C.

928(g)(2)(D)(ii) shall not apply with respect to the payment required under subparagraph (A).

(D) OVERSIGHT.—The Assistant Secretary and the Executive Office of the President shall continuously review and provide oversight of the activities carried out using a payment under subparagraph (A) and a payment pursuant to section 90008 of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921 note).

(E) REPORT TO SECRETARY OF COMMERCE AND CONGRESS.—Not later than 15 months after the date of enactment of this Act, for the purposes of aiding the Secretary in making the identification under paragraph (2) and informed by the activities carried out using a payment under subparagraph (A) or a payment pursuant to section 90008 of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921 note), any Federal entity receiving such a payment, in consultation with the Assistant Secretary and the Executive Office of the President, shall submit to the Secretary and the relevant congressional committees a report that—

(i) contains the findings of the activities carried out using such payment; and

(ii) recommends—

(I) frequencies in the covered band for identification by the Secretary under paragraph (2)(A); and

(II) frequencies in the covered band for identification by the Secretary under paragraph (2)(B).

(2) IDENTIFICATION.—Not later than 21 months after the date of enactment of this Act, informed by the activities carried out using a payment under paragraph (1)(A) and the report required under paragraph (1)(E), the Secretary, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Commission, shall submit to the President, the Commission, and the relevant congressional committees a report that—

(A) identifies for inclusion in a system of competitive bidding under paragraph (3) at least 200 megahertz of frequencies in the covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof; and

(B) identifies additional frequencies in the covered band that could be made available for non-Federal use, shared Federal and non-Federal use, or a combination thereof.

(3) AUCTION.—

(A) IN GENERAL.—Not later than 7 years after the date of enactment of this Act, the Commission, in coordination with the Assistant Secretary, shall commence a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), in accordance with paragraph (2) of this subsection, of the frequencies identified under subparagraph (A) of that paragraph.

(B) PROHIBITION.—No entity that is on the list required by section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601) may participate in the system of competitive bidding required by subparagraph (A).

(C) SCOPE.—The Commission may not include in the system of competitive bidding required by subparagraph (A) any frequencies that are not in the covered band.

(D) DEPOSIT OF PROCEEDS.—Notwithstanding subparagraphs (A), (C)(i), and (D) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) and except as provided in subparagraph (B) of such section, the proceeds (including deposits and upfront payments from successful bidders) of the system of competitive bidding required by subparagraph (A) of this paragraph (in this subparagraph referred to as the “covered proceeds”) shall be deposited or available as follows:

(i) Such amount of the covered proceeds as is necessary to cover the relocation or sharing costs of Federal entities relocated from or sharing the frequencies identified under paragraph (2)(A) of this subsection shall be deposited in the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(ii) After the amount required to be deposited by clause (i) is so deposited, any remainder of the covered proceeds shall be deposited in the Public Safety and Secure Networks Fund established by section 601.

(4) MODIFICATION OR WITHDRAWAL.—

(A) IN GENERAL.—The President shall modify or withdraw any assignment to a Federal Government station of the frequencies identified under

paragraph (2)(A) to accommodate non-Federal use, shared Federal and non-Federal use, or a combination thereof in accordance with that paragraph.

(B) LIMITATIONS.—The President may not modify or withdraw any assignment to a Federal Government station as described in subparagraph (A)—

(i) unless the President determines that such modification or withdrawal will not compromise the primary mission of a Federal entity operating in the covered band; or

(ii) before November 30, 2024.

(5) AUCTION PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in this subsection shall be construed to relieve the Commission from the requirements under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(6) RULES AUTHORIZING ADDITIONAL USE OF SPECTRUM IN COVERED BAND.—Not later than 4 years after the date of enactment of this Act, the Commission, in coordination with the Assistant Secretary, shall adopt rules that authorize the use of spectrum in the covered band identified under paragraph (2)(B) for non-Federal use, shared Federal and non-Federal use, or a combination thereof.

(c) FCC AUCTION AUTHORITY.—

(1) TERMINATION.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “2025” and all that follows and inserting “2026, and with respect to the electromagnetic spectrum identified under section 101(b)(2)(A) of the Spectrum Innovation Act of 2022, such authority shall expire on the date that is 7 years after the date of enactment of that Act.”.

(2) SPECTRUM PIPELINE ACT OF 2015.—Section 1004 of the Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 621; 47 U.S.C. 921 note) is amended—

(A) in subsection (a), by striking “2022” and inserting “2024”;

(B) in subsection (b)(1), by striking “2022” and inserting “2024”; and

(C) in subsection (c)(1)(B), by striking “2024” and inserting “2026”.

(d) REPEAL.—Section 90008 of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or impede the activities previously authorized by subsection (b)(1)(A) of section 90008 of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1348; 47 U.S.C. 921 note) so long as such efforts are in accordance with subsection (b) of this section.

TITLE II—SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM

SEC. 201. INCREASE IN LIMITATION ON EXPENDITURE.

Section 4(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) is amended by striking “\$1,900,000,000” and inserting “\$5,300,000,000”.

TITLE III—NEXT GENERATION 9–1–1

SEC. 301. FURTHER DEPLOYMENT AND COORDINATION OF NEXT GENERATION 9–1–1.

(a) ADDITIONAL DUTIES OF THE 9–1–1 IMPLEMENTATION COORDINATION OFFICE WITH RESPECT TO NEXT GENERATION 9–1–1.—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by inserting “and section 159” after “section”; and

(B) by adding at the end the following:

“(4) ADDITIONAL DUTIES OF THE OFFICE WITH RESPECT TO NEXT GENERATION 9–1–1.—

“(A) ADDITIONAL DUTIES.—The Office shall—

“(i) take actions, in concert with the coordinators designated in accordance with section 159(b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of Next Generation 9–1–1;

“(ii) develop, collect, and disseminate information concerning the practices, procedures, and technology used in the implementation of Next Generation 9–1–1;

“(iii) advise and assist eligible entities in the preparation of implementation plans required under section 159(b)(2)(A)(iii);

“(iv) provide technical assistance to eligible entities provided a grant under section 159(b) in support of efforts to explore efficiencies related to Next Generation 9–1–1;

“(v) receive, review, and recommend to the Assistant Secretary and the Administrator the approval or disapproval of applications for grants under section 159(b); and

“(vi) oversee the use of funds provided by such grants in fulfilling such implementation plans.

“(B) ANNUAL REPORTS.—Not later than October 1, 2023, and each year thereafter until funds made available to make grants under section 159(b) are no longer available to be expended, the Assistant Secretary and the Administrator shall submit to Congress a report on the activities conducted by the Office under subparagraph (A) in the year preceding the submission of the report.”; and

(2) in subsection (d)(2), by striking “section” each place it appears and inserting “section (except for paragraphs (1) and (4) of subsection (a) and for subsection (e))”.

(b) COORDINATION OF NEXT GENERATION 9–1–1 IMPLEMENTATION.—Part C of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

“SEC. 159. COORDINATION OF NEXT GENERATION 9–1–1 IMPLEMENTATION.

“(a) ADDITIONAL FUNCTIONS OF 9–1–1 IMPLEMENTATION COORDINATION OFFICE.—

“(1) MANAGEMENT PLAN.—

“(A) DEVELOPMENT.—The Assistant Secretary and the Administrator shall develop a management plan for the grant program established under this section, including by developing—

“(i) plans related to the organizational structure of such program;

and

“(ii) funding profiles for each fiscal year of the duration of such program.

“(B) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this section, the Assistant Secretary and the Administrator shall—

“(i) submit the management plan developed under subparagraph (A) to—

“(I) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

“(II) the Committees on Energy and Commerce and Appropriations of the House of Representatives; and

“(ii) publish the management plan developed under subparagraph (A) on the website of the National Telecommunications and Information Administration.

“(2) MODIFICATION OF PLAN.—

“(A) MODIFICATION.—The Assistant Secretary and the Administrator may modify the management plan developed under paragraph (1)(A).

“(B) SUBMISSION.—Not later than 90 days after the plan is modified under subparagraph (A), the Assistant Secretary and the Administrator shall—

“(i) submit the modified plan to—

“(I) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

“(II) the Committees on Energy and Commerce and Appropriations of the House of Representatives; and

“(ii) publish the modified plan on the website of the National Telecommunications and Information Administration.

“(b) NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—

“(1) GRANTS.—The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for—

“(A) implementing Next Generation 9–1–1;

“(B) maintaining Next Generation 9–1–1;

“(C) training directly related to implementing, maintaining, and operating Next Generation 9–1–1 if the cost related to the training does not exceed 3 percent of the total grant award;

“(D) public outreach and education on how the public can best use Next Generation 9–1–1 and the capabilities and usefulness of Next Generation 9–1–1;

“(E) administrative costs associated with planning of Next Generation 9–1–1, including any cost related to planning for and preparing an application and related materials as required by this subsection, if—

“(i) the cost is fully documented in materials submitted to the Office; and

“(ii) the cost is reasonable, necessary, and does not exceed 1 percent of the total grant award; and

“(F) costs associated with implementing cybersecurity measures at emergency communications centers or with respect to Next Generation 9–1–1.

“(2) APPLICATION.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator, acting through the Office, shall require an eligible entity to submit to the Office an application, at the time and in the manner determined by the Assistant Secretary and the Administrator, and containing the certification required by paragraph (3).

“(3) COORDINATION REQUIRED.—Each eligible entity shall include in the application required by paragraph (2) a certification that—

“(A) in the case of an eligible entity that is a State, the entity—

“(i) has coordinated the application with the emergency communications centers located within the jurisdiction of the entity;

“(ii) has designated a single officer or governmental body to serve as the State point of contact to coordinate the implementation of Next Generation 9–1–1 for that State, except that such designation need not vest such officer or governmental body with direct legal authority to implement Next Generation 9–1–1 or to manage emergency communications operations; and

“(iii) has developed and submitted a plan for the coordination and implementation of Next Generation 9–1–1 that—

“(I) ensures interoperability by requiring the use of commonly accepted standards;

“(II) ensures reliable operations;

“(III) enables emergency communications centers to process, analyze, and store multimedia, data, and other information;

“(IV) incorporates cybersecurity tools, including intrusion detection and prevention measures;

“(V) includes strategies for coordinating cybersecurity information sharing between Federal, State, Tribal, and local government partners;

“(VI) uses open and competitive request for proposal processes, including through shared government procurement vehicles, for deployment of Next Generation 9–1–1;

“(VII) documents how input was received and accounted for from relevant rural and urban emergency communications centers, regional authorities, local authorities, and Tribal authorities;

“(VIII) includes a governance body or bodies, either by creation of new, or use of existing, body or bodies, for the development and deployment of Next Generation 9–1–1 that—

“(aa) ensures full notice and opportunity for participation by relevant stakeholders; and

“(bb) consults and coordinates with the State point of contact required by clause (ii);

“(IX) creates efficiencies related to Next Generation 9–1–1 functions, including cybersecurity and the virtualization and sharing of infrastructure, equipment, and services; and

“(X) utilizes an effective, competitive approach to establishing authentication, credentialing, secure connections, and access in deploying Next Generation 9–1–1, including by—

“(aa) requiring certificate authorities to be capable of cross-certification with other authorities;

“(bb) avoiding risk of a single point of failure or vulnerability; and

“(cc) adhering to Federal agency best practices such as those promulgated by the National Institute of Standards and Technology; and

“(B) in the case of an eligible entity that is a Tribal Organization, the Tribal Organization has complied with clauses (i) and (iii) of subparagraph (A).

“(4) CRITERIA.—

“(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Assistant Secretary and the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this subsection.

“(B) REQUIREMENTS.—The criteria shall—

“(i) include performance requirements and a schedule for completion of any project to be financed by a grant under this subsection; and

“(ii) specifically permit regional or multi-State applications for funds.

“(C) UPDATES.—The Assistant Secretary and the Administrator shall update such regulations as necessary.

“(5) GRANT CERTIFICATIONS.—Each eligible entity shall certify to the Assistant Secretary and the Administrator at the time of application, and each eligible entity that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time the funds from the grant are available to the eligible entity, that—

“(A) beginning on the date that is 180 days before the date on which the application as filed, no portion of any 9–1–1 fee or charge imposed by the eligible entity (or in the case that the eligible entity is not a State or Tribal organization, any State or taxing jurisdiction within which the eligible entity will carry out, or is carrying out, activities using grant funds) are obligated or expended for a purpose or function not designated under the rules issued pursuant to section 6(f)(3) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)) (as such rules are in effect on the date on which the eligible entity makes the certification) as acceptable;

“(B) any funds received by the eligible entity will be used consistent with subsection (b)(1) to support the deployment of Next Generation 9–1–1 that ensures reliability and interoperability, by requiring the use of commonly accepted standards;

“(C) the eligible entity (or in the case that the eligible entity is not a State or Tribal organization, any State or taxing jurisdiction within which the eligible entity will carry out or is carrying out activities using grant funds) has established, or has committed to establish not later than 3 years following the date on which the grant funds are distributed to the eligible entity—

“(i) a sustainable funding mechanism for Next Generation 9–1–1; and

“(ii) effective cybersecurity resources for Next Generation 9–1–1;

“(D) the eligible entity will promote interoperability between emergency communications centers deploying Next Generation 9–1–1 and emergency response providers, including users of the nationwide public safety broadband network;

“(E) the eligible entity has or will take steps to coordinate with adjoining States and Tribes to establish and maintain Next Generation 9–1–1; and

“(F) the eligible entity has developed a plan for public outreach and education on how the public can best use Next Generation 9–1–1 and on the capabilities and usefulness of Next Generation 9–1–1.

“(6) CONDITION OF GRANT.—Each eligible entity shall agree, as a condition of receipt of a grant made under this subsection, that if any State or taxing jurisdiction within which the eligible entity will carry out activities using grant funds, during any period of time during which the funds from the grant are available to the eligible entity, fails to comply a certification required under paragraph (5), all of the funds from such grant shall be returned to the Office.

“(7) PENALTY FOR PROVIDING FALSE INFORMATION.—Any eligible entity that provides a certification under paragraph (5) knowing that the information provided in the certification was false shall—

“(A) not be eligible to receive the grant under this subsection;

“(B) return any grant awarded under this subsection; and

“(C) not be eligible to receive any subsequent grants under this subsection.

“(8) PROHIBITION.—Grant funds provided under this subsection may not be used—

“(A) to support any activity of the First Responder Network Authority; or

“(B) to make any payments to a person who has been, for reasons of national security, prohibited by any entity of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.

“(c) DEFINITIONS.—In this section and sections 160 and 161:

“(1) 9–1–1 FEE OR CHARGE.—The term ‘9–1–1 fee or charge’ has the meaning given such term in section 6(f)(3)(D) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)(D)), as such rules are in effect as of the date of the certification.

“(2) 9–1–1 REQUEST FOR EMERGENCY ASSISTANCE.—The term ‘9–1–1 request for emergency assistance’ means a communication, such as voice, text, picture, multimedia, or any other type of data that is sent to a facility for the purpose of requesting emergency assistance.

“(3) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the National Highway Traffic Safety Administration.

“(4) COMMONLY ACCEPTED STANDARDS.—The term ‘commonly accepted standards’ mean the technical standards followed by the communications industry for network, device, and Internet Protocol connectivity that—

“(A) enable interoperability; and

“(B) are—

“(i) developed and approved by a standards development organization that is accredited by an American or international standards body (such as the American National Standards Institute or International Code Council) in a process—

“(I) that is open to the public, including open for participation by any person; and

“(II) provides for a conflict resolution process;

“(ii) subject to an open comment and input process before being finalized by the standards development organization;

“(iii) consensus-based; and

“(iv) made publicly available once approved.

“(5) COST RELATED TO TRAINING.—The term ‘cost related to training’ means—

“(A) actual wages incurred for travel and attendance, including any necessary overtime pay and backfill wage;

“(B) travel expenses;

“(C) instructor expenses; or

“(D) facility costs and training materials.

“(6) ELIGIBLE ENTITY.—The term ‘eligible entity’—

“(A) means a State or a Tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

“(B) may be an entity, including a public authority, board, or commission, established by one or more entities described in subparagraph (A); and

“(C) does not include any entity that has failed to submit the certifications required under subsection (b)(5).

“(7) EMERGENCY COMMUNICATIONS CENTER.—The term ‘emergency communications center’—

“(A) means a facility that—

“(i) is designated to receive a 9–1–1 request for emergency assistance; and

“(ii) performs one or more of the following functions—

“(I) process and analyze 9–1–1 requests for emergency assistance and information and data related to such requests;

“(II) dispatch appropriate emergency response providers;

“(III) transfer or exchange 9–1–1 requests for emergency assistance and information and data related to such requests with one or more facilities described under this paragraph and emergency response providers;

“(IV) analyze any communications received from emergency response providers; and

“(V) support incident command functions; or

“(B) may be a public safety answering point, as defined in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

“(8) EMERGENCY RESPONSE PROVIDER.—The term ‘emergency response provider’ has the meaning given that term under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

“(9) FIRST RESPONDER NETWORK AUTHORITY.—The term ‘First Responder Network Authority’ means the authority established under 6204 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1424).

“(10) INTEROPERABLE.—The term ‘interoperable’ or ‘interoperability’ means the capability of emergency communications centers to receive 9–1–1 requests for emergency assistance and information/data related to such requests, such as location information and callback numbers from a person initiating the request, then process and share the 9–1–1 requests for emergency assistance and infor-

mation/data related to such requests with other emergency communications centers and emergency response providers without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or other relevant factors.

“(11) NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK.—The term ‘nationwide public safety broadband network’ has the meaning given the term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401).

“(12) NEXT GENERATION 9–1–1.—The term ‘Next Generation 9–1–1’ means an interoperable, secure, Internet Protocol-based system that—

“(A) employs commonly accepted standards;

“(B) enables emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance;

“(C) acquires and integrates additional information useful to handling 9–1–1 requests for emergency assistance; and

“(D) supports sharing information related to 9–1–1 requests for emergency assistance among emergency communications centers and emergency response providers.

“(13) OFFICE.—The term ‘Office’ means the 9–1–1 Implementation Coordination Office established under section 158.

“(14) RELIABILITY.—The term ‘reliability’ or ‘reliable’ means the employment of sufficient measures to ensure the ongoing operation of Next Generation 9–1–1 including through the use of geo-diverse, device- and network-agnostic elements that provide more than one route between end points with no common points where a single failure at that point would cause all to fail.

“(15) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

“(16) SUSTAINABLE FUNDING MECHANISM.—The term ‘sustainable funding mechanism’ means a funding mechanism that provides adequate revenues to cover ongoing expenses, including operations, maintenance, and upgrades.

“(d) SAVINGS PROVISION.—Nothing in this title, or any amendment made by this title, shall affect any application pending or grant awarded under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) before the date of the enactment of this section.

“SEC. 160. ESTABLISHMENT OF NATIONWIDE NEXT GENERATION 9–1–1 CYBERSECURITY CENTER.

“The Assistant Secretary and the Administrator shall establish a Next Generation 9–1–1 Cybersecurity Center to Coordinate with State, local, and regional governments on the sharing of cybersecurity information about, the analysis of cybersecurity threats to, and guidelines for strategies to detect and prevent cybersecurity intrusions relating to Next-Generation 9–1–1.

“SEC. 161. NEXT GENERATION 9–1–1 ADVISORY BOARD.

“(a) NEXT GENERATION 9–1–1 ADVISORY BOARD.—

“(1) ESTABLISHMENT.—The Assistant Secretary and the Administrator, acting through the Office, shall establish a ‘Public Safety Next Generation 9–1–1 Advisory Board’ (in this section referred to as the ‘Board’) to provide recommendations to the Office—

“(A) with respect to carrying out the duties and responsibilities of the Office in issuing the regulations required under section 159(b);

“(B) as required by paragraph (7); and

“(C) upon request under paragraph (8).

“(2) MEMBERSHIP.—

“(A) VOTING MEMBERS.—Not later than 150 days after the date of enactment of this section, the Assistant Secretary and the Administrator, acting through the Office, shall appoint 16 public safety members to the Board, of which—

“(i) 4 members shall represent local law enforcement officials;

“(ii) 4 members shall represent fire and rescue officials;

“(iii) 4 members shall represent emergency medical service officials;

and

“(iv) 4 members shall represent 9–1–1 professionals.

“(B) DIVERSITY OF MEMBERSHIP.—Members shall be representatives of State or Tribes and local governments, chosen to reflect geographic and population density differences as well as public safety organizations at the national level across the United States.

“(C) EXPERTISE.—All members shall have specific expertise necessary for developing technical requirements under this section, such as technical expertise, and expertise related to public safety communications and 9–1–1 services.

“(D) RANK AND FILE MEMBERS.—A rank and file member from each of the public safety disciplines listed in clauses (i) through (iv) of subparagraph (A) shall be appointed as a member of the Board and shall be selected from an organization that represents their public safety discipline at the national level.

“(3) PERIOD OF APPOINTMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Board shall serve for a 3-year term.

“(B) REMOVAL FOR CAUSE.—A member of the Board may be removed for cause upon the determination of the Assistant Secretary and the Administrator.

“(4) VACANCIES.—Any vacancy in the Board shall be filled in the same manner as the original appointment.

“(5) QUORUM.—A majority of the members of the Board shall constitute a quorum.

“(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the voting members of the Board.

“(7) DUTY OF BOARD TO SUBMIT RECOMMENDATIONS.—Not later than 120 days after all members of the Board are appointed under paragraph (2), the Board shall submit to the Office recommendations for the following—

“(A) deploying Next Generation 9–1–1 in rural and urban areas;

“(B) ensuring flexibility in guidance, rules, and grant funding to allow for technology improvements;

“(C) creating efficiencies related to Next Generation 9–1–1, including cybersecurity and the virtualization and sharing of core infrastructure;

“(D) enabling effective coordination among State, local, Tribal, and territorial government entities to ensure that the needs of emergency communications centers in both rural and urban areas are taken into account in each implementation plan required under section 159(b)(2)(A)(iii); and

“(E) incorporating existing cybersecurity resources to Next Generation 9–1–1 procurement and deployment.

“(8) AUTHORITY TO PROVIDE ADDITIONAL RECOMMENDATIONS.—Except as provided in paragraphs (1) and (7), the Board may provide recommendations to the Office only upon request of the Office.

“(9) DURATION OF AUTHORITY.—The Board shall terminate on the date on which funds made available to make grants under section 159(b) are no longer available to be expended.

“(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of the Office to seek comment from stakeholders and the public.”.

SEC. 302. TRANSFER TO NTIA OF SOLE RESPONSIBILITY FOR CERTAIN 9-1-1 IMPLEMENTATION COORDINATION FUNCTIONS.

(a) TRANSFER.—

(1) FUNCTIONS.—There are transferred to the Assistant Secretary all functions that on September 30, 2022, are assigned to the Administrator, or jointly to the Assistant Secretary and the Administrator, under section 158, section 159, section 160, and section 161 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942).

(2) PERSONNEL AND OTHER ASSETS.—The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to the Assistant Secretary under paragraph (1) shall be transferred to the Assistant Secretary for use in connection with the functions transferred.

(3) AUTHORITY OF DIRECTOR OF OMB.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make—

(A) such determinations as may be necessary with regard to the functions transferred under paragraph (1) and the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds transferred under paragraph (2); and

(B) such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the functions transferred under paragraph (1), as may be necessary to carry out this section and the amendments made by this section.

(b) REFERENCES.—On and after October 1, 2022, in the case of any reference relating to the functions transferred under subsection (a) in any law, regulation, document, paper, or other record of the United States—

(1) if such reference is to the Administrator, or to the Assistant Secretary and the Administrator, such reference shall be deemed to be to the Assistant Secretary; and

(2) if such reference is to the National Highway Traffic Safety Administration, or to the National Telecommunications and Information Administration and the National Highway Traffic Safety Administration, such reference shall be deemed to be to the National Telecommunications and Information Administration.

(c) SAVINGS PROVISIONS.—

(1) DOCUMENTS AND ACTIONS.—

(A) IN GENERAL.—All documents and actions described in subparagraph (B) shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Assistant Secretary, any officer or employee transferred under subsection (a), a court of competent jurisdiction, or operation of law.

(B) DOCUMENTS AND ACTIONS DESCRIBED.—A document or action described in this subparagraph is any order, determination, rule, grant, contract, agreement, or other document or action that—

(i) was issued, made, granted, or allowed to become effective by the Assistant Secretary, the Administrator, the Assistant Secretary and the Administrator, any officer or employee transferred under subsection (a), or a court of competent jurisdiction, in the performance of any function that is transferred under such subsection; and

(ii) is in effect on September 30, 2022 (or becomes effective after such day pursuant to its terms as in effect on such day).

(2) PENDING PROCEEDINGS AND APPLICATIONS.—

(A) IN GENERAL.—This section and the amendments made by this section shall not affect any proceeding or application for any benefits, service, license, permit, certificate, or grant or other financial assistance relating to the functions transferred under subsection (a) that was pending on September 30, 2022, before the Assistant Secretary, the Administrator, the Assistant Secretary and the Administrator, or any officer or employee transferred under such subsection, but such proceeding or application shall be continued. Orders shall be issued in any such proceeding, and appeals shall be taken therefrom, as if this section and the amendments made by this section had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by the Assistant Secretary, any other authorized official, a court of competent jurisdiction, or operation of law.

(B) SUBSTITUTION.—Notwithstanding subparagraph (A), on and after October 1, 2022, any proceeding or application described in such subparagraph that was pending before the Administrator, or before the Assistant Secretary and the Administrator, shall be continued as described in such subparagraph before the Assistant Secretary.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any proceeding or application described in subparagraph (A) under the same terms and conditions and to the same extent that such proceeding or application could have been discontinued or modified if this section and the amendments made by this section had not been enacted.

(3) CONTINUATION OF CIVIL ACTIONS.—

(A) IN GENERAL.—This section and the amendments made by this section shall not affect any civil action relating to the functions transferred under subsection (a) that was commenced before October 1, 2022, by or against the Assistant Secretary, the Administrator, the Assistant Secretary and the Administrator, or any officer or employee transferred under such subsection. In any such action, proceeding shall be had, appeals taken, and judgment rendered in the same manner and with the same effect as if this section and the amendments made by this section had not been enacted.

(B) SUBSTITUTION.—Notwithstanding subparagraph (A), on and after October 1, 2022, in the case of any civil action described in such subparagraph by or against the Administrator, or the Assistant Secretary and the Administrator, the Assistant Secretary shall be substituted as a party for the Administrator, or the Assistant Secretary and the Administrator, respectively.

(4) NO CHANGE IN STATUS OF PERSONNEL.—In the case of an officer or employee who is transferred to the Assistant Secretary under subsection (a), the

officer or employee's grade, compensation, rate of leave, or other benefits that apply with respect to such officer or employee at the time of transfer shall not be reduced while such officer or employee remains continuously employed in performance of the functions in connection with which such officer or employee is transferred, other than for cause.

(d) CONFORMING AMENDMENTS.—

(1) NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT.—The National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by the preceding provisions of this Act, is further amended—

(A) in section 158—

(i) by striking “and the Administrator” each place it appears; and

(ii) in subsection (a)(1), by striking “of the National Highway Traffic Safety Administration”;

(B) in section 159—

(i) by striking “and the Administrator” each place it appears; and

(ii) by striking paragraph (3) of subsection (c);

(C) in section 160, by striking “and the Administrator”; and

(D) in section 161, by striking “and the Administrator” each place it appears.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2022.

(e) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Highway Traffic Safety Administration.

(2) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

TITLE IV—INCUMBENT INFORMING CAPABILITY

SEC. 401. INCUMBENT INFORMING CAPABILITY.

Part B of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

“SEC. 120. INCUMBENT INFORMING CAPABILITY.

“(a) IN GENERAL.—The Assistant Secretary shall—

“(1) not later than 120 days after the date of the enactment of this section, begin to amend the Department of Commerce spectrum management document entitled ‘Manual of Regulations and Procedures for Federal Radio Frequency Management’ so as to incorporate an incumbent informing capability; and

“(2) not later than the date on which the total amount of funds required to be made available from the Public Safety and Secure Networks Fund under section 601(c)(3) of the Spectrum Innovation Act of 2022 is so made available, begin to implement such capability, including the development and testing of such capability.

“(b) ESTABLISHMENT OF THE INCUMBENT INFORMING CAPABILITY.—

“(1) IN GENERAL.—The incumbent informing capability required by subsection (a) shall include a system to enable sharing, including time-based sharing and coordination, to securely manage harmful interference between non-Federal users and incumbent Federal entities sharing a band of covered spectrum and between Federal entities sharing a band of covered spectrum.

“(2) REQUIREMENTS.—The system required by paragraph (1) shall contain, at a minimum, the following:

“(A) One or more mechanisms to allow non-Federal use in covered spectrum, as authorized by the rules of the Commission. Such mechanism or mechanisms shall include interfaces to commercial sharing systems, as appropriate.

“(B) One or more mechanisms to facilitate Federal-to-Federal sharing, as authorized by the NTIA.

“(C) One or more mechanisms to prevent, eliminate, or mitigate harmful interference to incumbent Federal entities, including one or more of the following functions:

“(i) Sensing.

“(ii) Identification.

“(iii) Reporting.

“(iv) Analysis.

“(v) Resolution.

“(D) Dynamic coordination area analysis, definition, and control, if appropriate for a band.

“(3) COMPLIANCE WITH COMMISSION RULES.—The incumbent informing capability required by subsection (a) shall ensure that use of covered spectrum is in accordance with the applicable rules of the Commission.

“(4) INPUT OF INFORMATION.—

“(A) IN GENERAL.—Each incumbent Federal entity sharing a band of covered spectrum shall—

“(i) input into the system required by paragraph (1) such information as the Assistant Secretary may require, including the frequency, time, and location of the use of the band by such Federal entity; and

“(ii) to the extent practicable, input such information into such system on an automated basis.

“(B) PAYMENT OF COSTS.—Notwithstanding subsections (c) through (e) of section 118 and subparagraphs (C) through (E) of subsection (g)(2) of such section, the Director of the Office of Management and Budget, in consultation with the Assistant Secretary, may use amounts available in the Spectrum Relocation Fund to pay the costs incurred by Federal entities to input information as required by subparagraph (A).

“(5) PROTECTION OF CLASSIFIED INFORMATION AND CONTROLLED UNCLASSIFIED INFORMATION.—The system required by paragraph (1) shall contain appropriate measures to protect classified information and controlled unclassified information, including any such classified information or controlled unclassified information that relates to military operations.

“(c) BRIEFING.—Not later than 1 year after the date on which the total amount of funds required to be made available from the Public Safety and Secure Networks Fund under section 601(c)(3) of the Spectrum Innovation Act of 2022 is so made available, the Assistant Secretary shall provide a briefing on the implementation of this section to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(d) DEFINITIONS.—In this section:

“(1) COVERED SPECTRUM.—The term ‘covered spectrum’ means—

“(A) electromagnetic spectrum for which usage rights are assigned to or authorized for (including before the date on which the incumbent informing capability required by subsection (a) is implemented) a non-Federal user or class of non-Federal users for use on a shared basis with an incumbent Federal entity in accordance with the rules of the Commission; and

“(B) electromagnetic spectrum allocated on a primary or co-primary basis for Federal use that is shared among Federal entities.

“(2) FEDERAL ENTITY.—The term ‘Federal entity’ has the meaning given such term in section 113(l).

“(3) INCUMBENT INFORMING CAPABILITY.—The term ‘incumbent informing capability’ means a capability to facilitate the sharing of covered spectrum.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or expand the authority of the NTIA as described in section 113(j)(1).”.

TITLE V—EXTENSION OF FCC AUCTION AUTHORITY

SEC. 501. EXTENSION OF FCC AUCTION AUTHORITY.

(a) IN GENERAL.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “September 30, 2022” and inserting “March 31, 2024”.

(b) DEPOSIT OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding subparagraphs (A), (C)(i), (D), and (G)(iii) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) and except as provided in subparagraph (B) of such section, the proceeds (including deposits and upfront payments from successful bidders) of any system of competitive bidding described in paragraph (2) (in this paragraph referred to as the “covered proceeds”) shall be deposited as follows:

(A) In the case of covered proceeds attributable to eligible frequencies described in subsection (g)(2) of section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923), such amount of such proceeds as is necessary to cover the relocation or sharing costs (as defined in subsection (g)(3) of such section) of Federal entities (as defined in subsection (l) of such section) relocated from or sharing

such eligible frequencies shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act (47 U.S.C. 928). Any remainder of such proceeds shall be deposited in the Public Safety and Secure Networks Fund established by section 601 of this Act.

(B) In the case of covered proceeds attributable to spectrum usage rights made available through an incentive auction under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), such proceeds shall be deposited in the Public Safety and Secure Networks Fund established by section 601 of this Act.

(C) Any other covered proceeds shall be deposited in the Public Safety and Secure Networks Fund established by section 601 of this Act.

(2) SYSTEM OF COMPETITIVE BIDDING DESCRIBED.—A system of competitive bidding described in this paragraph is any system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) that is concluded during the period beginning on July 1, 2022, and ending on March 31, 2024, except for the system of competitive bidding required by section 101(b)(3)(A) of this Act.

TITLE VI—PUBLIC SAFETY AND SECURE NETWORKS FUND

SEC. 601. PUBLIC SAFETY AND SECURE NETWORKS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Public Safety and Secure Networks Fund” (in this section referred to as the “Fund”).

(b) ACCOUNTING FOR FEDERAL BUDGET BASELINE.—

(1) PROCEEDS OF AUCTION OF 2496–2690 MHZ BAND.—In the case of the proceeds of any system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) with respect to the frequencies between 2496 megahertz and 2690 megahertz, inclusive, that are deposited in the Fund as required by section 501(b) of this Act, the first \$1,700,000,000 of such proceeds shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction. The remainder of such proceeds shall be available or deposited under subsection (c).

(2) PROCEEDS OF REQUIRED AUCTION OF 3.1–3.45 GHZ BAND.—In the case of the proceeds of the system of competitive bidding required by subparagraph (A) of section 101(b)(3) that are deposited in the Fund as required by subparagraph (D) of such section, the first \$16,000,000,000 of such proceeds shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction. The remainder of such proceeds shall be available or deposited under subsection (c).

(c) USE OF FUNDS.—Except as provided in subsection (b), as amounts are deposited in the Fund, such amounts shall be available or deposited as follows:

(1) \$3,400,000,000 shall be available to the Federal Communications Commission until expended to make reimbursements under section 4 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603).

(2) After the amount required to be made available by paragraph (1) is so made available, \$10,000,000,000 shall be available to the Assistant Secretary of Commerce for Communications and Information until expended to carry out title III of this Act and the amendments made by such title, except that not more than 4 percent of the amount made available by this paragraph may be used for administrative purposes (including carrying out sections 160 and 161 of the National Telecommunications and Information Administration Organization Act, as added by such title).

(3) After the amount required to be made available by paragraph (2) is so made available, \$117,400,000 shall be available to the Assistant Secretary of Commerce for Communications and Information until expended to carry out section 120 of the National Telecommunications and Information Administration Organization Act, as added by section 401 of this Act.

(4) After the amount required to be made available by paragraph (3) is so made available, any remaining amounts deposited in the Fund shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

I. PURPOSE AND SUMMARY

H.R. 7624, the “Spectrum Innovation Act of 2022,” advances United States wireless leadership by making additional spectrum bands available for commercial wireless use, extending the authority of the Federal Communications Commission (FCC) to auction these airwaves, and ensuring that the National Telecommunications and Information Administration (NTIA) has the authority and resources necessary to develop innovative spectrum management technologies. Specifically, this legislation would require the Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the FCC, to identify at least 200 megahertz of spectrum in the 3.1–3.45 gigahertz (GHz) band that could be made available for auction by the FCC. In addition, the legislation extends the FCC’s general auction authority by 18 months to March 31, 2024. It also requires NTIA to implement a spectrum management technology to better enable efficient spectrum usage, including through spectrum sharing, between federal entities and non-federal users operating in the same spectrum band and between federal entities operating in the same spectrum band. Finally, from the proceeds of the spectrum auctions authorized under this legislation, the bill would direct funds to be spent first to fully fund the FCC’s Secure and Trusted Communications Networks Reimbursement Program (Reimbursement Program). Remaining proceeds, up to \$10 billion, would then fund a newly authorized Next Generation 9–1–1 grant program. Finally, the next \$117.4 million would fund the development of an incumbent informing capability at NTIA. Any remaining funds after these programs are fully funded would go to the Department of Treasury for deficit reduction.

II. BACKGROUND AND NEED FOR LEGISLATION

NTIA and the FCC are the two agencies tasked by Congress to oversee and manage our nation’s electromagnetic spectrum (spectrum) resources—a finite natural resource.¹ NTIA manages federal spectrum allocations as many federal agencies use spectrum to perform vital operations, including the Department of Defense, the Department of Transportation, the National Aeronautics and Space Administration, and the National Oceanic and Atmospheric Administration.² The FCC is responsible for overseeing the non-federal use of spectrum, including commercial usage.³

Spectrum is vital for the United States digital economy, national security, and future wireless innovation. Over the last few years, the FCC, in collaboration with NTIA in certain instances, has made several spectrum bands available for fifth-generation (5G) and next-generation wireless technology use and has started the proc-

¹ Communications Act of 1934, Pub. L. No. 73–416; National Telecommunications and Information Administration Organization Act, Pub. L. No. 102–538.

² National Telecommunications and Information Administration, *Spectrum Management* (www.ntia.doc.gov/category/spectrum-management) (accessed Mar. 1, 2022); National Telecommunications and Information Administration, *Federal Government Spectrum Use Reports 225 MHz–7.125 GHz* (<https://ntia.gov/page/federal-government-spectrum-use-reports-225-mhz-7125-ghz>) (accessed Mar. 1, 2022).

³ 47 U.S.C. § 301.

ess of making other spectrum bands available for such use.⁴ Nevertheless, it has been reported that in order for the United States to stay a global leader in the deployment of 5G and future wireless technologies, such as 6G, the FCC will need to make additional spectrum available, particularly mid-band spectrum, for commercial use.⁵

The FCC has had the authority to auction spectrum since Congress passed the Omnibus Budget Reconciliation Act (Reconciliation Act) in 1993,⁶ and has been conducting spectrum auctions since 1994.⁷ Since receiving competitive bidding authority, the FCC has found auctioning spectrum to be a more efficient means of granting spectrum licenses.⁸ Spectrum auctions have also benefited the American public, including by raising over \$230 billion in federal revenue.⁹ But this grant of authority has, from the start, been subject to an expiration date.¹⁰ Congress has extended the FCC's spectrum auction authority several times over the last three decades, and never let this authorization lapse. Currently, the FCC's authority is set to expire on September 30, 2022.¹¹

Making additional mid-band spectrum available, reauthorizing the FCC's auction authority, and ensuring that shared spectrum is used more efficiently, as contemplated by H.R. 7624, will provide the FCC and NTIA with the necessary tools to address our nation's future commercial spectrum needs. Moreover, by directing that future auction proceeds should fund critical national security and public safety priorities, this legislation will also ensure that our nation's telecommunications networks are safe and secure from foreign adversaries and that communities across the country have access to Next Generation 9–1–1, allowing the public to communicate with emergency communications centers using advanced features, including pictures, videos, and text messages.

III. COMMITTEE HEARINGS

For the purposes of section 3(c) of rule XIII of the Rules of the House of Representatives, the following hearings were used to develop or consider H.R. 7624:

The Subcommittee on Communications and Technology held a hearing on October 6, 2021. The hearing was entitled, “Strengthening Our Communications Networks to Meet the Needs of Consumers.” The Subcommittee received testimony from the following witnesses:

- The Honorable John Fogle, Council Member, City of Loveland Colorado, National League of Cities Information Technology and Communications Committee;

⁴See, e.g., Federal Communications Commission, *Report and Order, Band on Transforming the 2.5 GHz Band* (July 2019) (WT Docket No. 18–120); Federal Communications Commission, *Report and Order and Order of Proposed Modification, Expanding Flexible Use of the 3.7 GHz to 4.2 GHz Band* (Mar. 2020) (GN Docket No. 18–122); and Federal Communications Commission, *Second Report and Order, Order on Reconsideration, and Order of Proposed Modification, Facilitating Shared Use in the 3100–3550 MHz Band* (Mar. 2021) (WT Docket No. 19–348).

⁵*China's 5G Soars Over America's*, Wall Street Journal (Feb. 16, 2022).

⁶Federal Communications Commission, *About Auctions* (www.fcc.gov/auctions/about-auctions) (accessed July 14, 2022).

⁷*Id.*

⁸*Id.*

⁹Federal Communications Commission, *Auctions Summary* (www.fcc.gov/auctions-summary) (accessed July 14, 2022).

¹⁰Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103–66.

¹¹47 U.S.C. § 309(j).

- Cheryl A. Leanza, Policy Advisor, United Church of Christ, Office of Communications, Inc.;
- Tim Donovan; SVP, Legislative Affairs, Competitive Carriers Association; and
- Todd Brandenburg, President and CEO, PocketiNet.

The Subcommittee on Communications and Technology held a hearing on March 16, 2022. The hearing was entitled, “5G and Beyond: Exploring the Next Wireless Frontier.” The Subcommittee received testimony from the following witnesses:

- Scott Bergmann, Senior Vice President, Regulatory Affairs, CTIA;
- Mary L. Brown, Senior Director, Government Affairs, Cisco Systems, Inc.;
- Greg Guice, Director of Government Affairs, Public Knowledge;
- Jayne Stancavage, Global Executive Director for Product and Digital Infrastructure Policy, Intel Corporation; and
- Von Todd, Chief Executive of Corporate Strategy and Analytics, HTC Inc. and Director, Competitive Carriers Association Board of Directors.

The Subcommittee on Communications and Technology held a legislative hearing on May 24, 2022. The hearing was entitled, “Strengthening our Communications Networks: Legislation to Connect and Protect.” The Subcommittee received testimony from the following witnesses:

- Mark Gibson, Director, Business Development & Spectrum Policy, CommScope and Regulatory Officer of the OnGo Alliance;
- Anna M. Gomez, Partner, Wiley Rein LLP;
- Thomas E. Kadri, Ph.D., Assistant Professor, University of Georgia School of Law; and
- Alisa Valentin, Ph.D., Senior Director of Technology and Telecommunications, National Urban League.

IV. COMMITTEE CONSIDERATION

H.R. 7624, the “Spectrum Innovation Act of 2022,” was introduced on April 28, 2022, by Representative Michael F. Doyle (D-PA) and 20 bipartisan original cosponsors and was referred to the Committee on Energy and Commerce. Subsequently, on April 29, 2022, the bill was referred to the Subcommittee on Communications and Technology. A legislative hearing was held on May 24, 2022.

On June 15, 2022, the Subcommittee on Communications and Technology met in open markup session, pursuant to notice, to consider H.R. 7624 and five other bills. During consideration of the bill, an amendment in the nature of a substitute (AINS), offered by Representative Latta (R-OH), was agreed to by a voice vote. Upon conclusion of consideration of the bill, the Subcommittee on Communications and Technology agreed to report the bill favorably to the full Committee, amended, by a roll call vote of 29 yeas to 0 nays.

On July 13, 2022, the full Committee met in open markup session, pursuant to notice, to consider H.R. 7624 and four other bills. An AINS, offered by Representative Latta, was agreed to by a voice vote. Upon conclusion of consideration of the bill, the full Com-

mittee agreed to a motion on final passage offered by Representative Pallone, Chairman of the Committee, to order H.R. 7624 reported favorably to the House, amended, by a roll call vote of 52 yeas to 0 nays.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were two record votes taken on H.R. 7624, including a motion by Mr. Pallone ordering H.R. 7624 favorably reported to the House, amended. The motion on final passage of the bill was approved by a record vote of 52 yeas to 0 nays. The following are the record votes taken during Committee consideration, including the names of those members voting for and against:

Committee on Energy and Commerce
117th Congress

Subcommittee on Communications and Technology
(ratio: 18-13)

ROLL CALL VOTE #4

Bill: **H.R. 7624**, the “Spectrum Innovation Act of 2022”

Motion: A motion by Mr. Doyle of Pennsylvania to order **H.R. 7624** transmitted favorably to the full Committee, amended (Final Passage).

Disposition: **AGREED TO** by a roll call vote of 29 yeas to 0 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Doyle	X			Mr. Latta	X		
Mr. McNerney	X			Mr. Scalise	X		
Ms. Clarke	X			Mr. Guthrie	X		
Mr. Veasey	X			Mr. Kinzinger			
Mr. McEachin	X			Mr. Bilirakis	X		
Mr. Soto	X			Mr. Johnson	X		
Mr. O’Halloran				Mr. Long	X		
Ms. Rice	X			Mr. Mullin	X		
Ms. Eshoo	X			Mr. Hudson	X		
Mr. Butterfield				Mr. Walberg	X		
Ms. Matsui	X			Mr. Carter	X		
Mr. Welch	X			Mr. Duncan	X		
Mr. Schrader	X			Mr. Curtis	X		
Mr. Cárdenas	X			Mrs. Rodgers	X		
Ms. Kelly	X						
Ms. Craig	X						
Ms. Fletcher	X						
Mr. Pallone	X						

06/15/22

Committee on Energy and Commerce
117th Congress

Full Committee
(ratio: 32-26)

ROLL CALL VOTE #128

Bill: **H.R. 7624**, the “Spectrum Innovation Act of 2022”

Vote: Final Passage

Disposition: **AGREED TO** by a roll call vote of 52 yeas to 0 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Pallone	X			Mrs. Rodgers	X		
Mr. Rush	X			Mr. Upton	X		
Ms. Eshoo	X			Mr. Burgess	X		
Ms. DeGette	X			Mr. Scalise			
Mr. Doyle	X			Mr. Latta	X		
Ms. Schakowsky	X			Mr. Guthrie	X		
Mr. Butterfield				Mr. McKinley	X		
Ms. Matsui	X			Mr. Kinzinger			
Ms. Castor				Mr. Griffith	X		
Mr. Sarbanes	X			Mr. Bilirakis	X		
Mr. McNerney	X			Mr. Johnson	X		
Mr. Welch	X			Mr. Long	X		
Mr. Tonko	X			Mr. Bueshon	X		
Ms. Clarke	X			Mr. Mullin	X		
Mr. Schrader	X			Mr. Hudson	X		
Mr. Cárdenas	X			Mr. Walberg	X		
Mr. Ruiz	X			Mr. Carter	X		
Mr. Peters	X			Mr. Duncan	X		
Mrs. Dingell	X			Mr. Palmer	X		
Mr. Veasey	X			Mr. Dunn	X		
Ms. Kuster	X			Mr. Curtis	X		
Ms. Kelly				Ms. Lesko	X		
Ms. Barragán	X			Mr. Pence	X		
Mr. McEachin	X			Mr. Crenshaw			
Ms. Blunt Rochester	X			Mr. Joyce	X		
Mr. Soto	X			Mr. Armstrong	X		
Mr. O'Halleran	X						
Ms. Rice	X						
Ms. Craig	X						
Ms. Schrier	X						
Ms. Trahan	X						
Ms. Fletcher	X						

07/13/22

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to make available additional frequencies in the 3.1–3.45 GHz band for non-federal use, shared federal and non-federal use, or a combination thereof and allow the FCC to continue auctioning other portions of the airwaves for the next 18 months. The legislation also funds from auction proceeds the Secure and Trusted Reimbursement Program, a newly authorized Next Generation 9–1–1 grant program, and the development of an incumbent informing capability.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 7624 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 7624 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XIV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 designates that the short title may be cited as the “Spectrum Innovation Act of 2022.”

TITLE I—SPECTRUM AUCTIONS AND INNOVATION

Sec. 101. Spectrum auctions and innovation

Section 101 requires the Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the FCC to submit a report to the President, the FCC, and relevant congressional committees identifying at least 200 megahertz of spectrum in the 3.1–3.45 GHz band for non-federal use, shared federal and non-federal use, or a combination thereof by no later than 21 months after the date of enactment. Section 101 also requires the FCC, in coordination with the Assistant Secretary of Commerce for Communications and Information, to commence a system of competitive bidding under section 309(j) of the Communications Act for at least 200 megahertz of spectrum identified by the Secretary of Commerce in the 3.1–3.45 GHz band not later than seven years after the date of enactment. Section 101 also requires applicable auction proceeds to be deposited in the Public Safety and Secure Networks Fund established under Title VI.

TITLE II—SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM

Sec. 201. Increase in limitation on expenditure

Section 201 amends Section 4(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) to raise the amount that the FCC may spend on reimbursements from \$1.9 billion to \$5.3 billion.

TITLE III—NEXT GENERATION 9–1–1

Sec. 301. Further deployment and coordination of Next Generation 9–1–1

Section 301 amends section 158 of the National Telecommunications and Information Administration Organization Act (NTIA Organization Act) by requiring the 9–1–1 Implementation Coordination Office (9–1–1 Office) to, among other things, improve coordination and communication with respect to the implementation of Next Generation 9–1–1. The Assistant Secretary of Commerce for Communications and Information (Assistant Secretary) and the Administrator of the National Highway Traffic Safety Administration (Administrator), acting through the 9–1–1 Office, are also required to oversee and manage the Next Generation 9–1–1 grant program, including by providing grants to eligible entities for implementing and maintaining Next Generation 9–1–1 and for training directly related to implementing, maintaining, and operating Next Generation 9–1–1.

Section 301 directs the Assistant Secretary and Administrator to issue regulations, after public notice and opportunity for comment, prescribing the criteria for selection for grants under the program established by this section.

Section 301 also requires the Assistant Secretary and the Administrator to establish a Next Generation 9–1–1 Cybersecurity Center and a Public Safety Next Generation Advisory Board.

Sec. 302. Transfer to NTIA of sole responsibility for certain 9–1–1 implementation coordination functions

Section 302 transfers to the Assistant Secretary all functions assigned to the Administrator or jointly to the Assistant Secretary and the Administrator under sections 158, 159, 160, and 161 of the NTIA Organization Act as of September 30, 2022. Personnel, property, records, and unexpended balances of appropriations, allocations, and other funds used, held, available, or to be made available in connection with the such functions are also transferred to the Assistant Secretary for use in connection with the functions transferred by this section.

TITLE IV—INCUMBENT INFORMING CAPABILITY

Sec. 401. Incumbent informing capability

Section 401 amends the NTIA Organization Act by requiring the Assistant Secretary to revise the Department of Commerce’s Manual of Regulations and Procedures for Federal Radio Frequency Management to incorporate an incumbent informing capability and to implement an incumbent informing capability to enable sharing, including time-based sharing and coordination, to securely manage harmful interference between non-federal users and incumbent federal entities sharing an applicable band of spectrum and between federal entities sharing an applicable band of spectrum.

TITLE V—EXTENSION OF FCC AUCTION AUTHORITY

Sec. 501. Extension of FCC auction authority

Section 501 amends Section 309 of the Communications Act to extend the FCC’s auction authority from September 30, 2022, to

March 31, 2024. This section also requires applicable auction proceeds to be deposited in the Public Safety and Secure Networks Fund established under Title VI.

TITLE VI—PUBLIC SAFETY AND SECURE NETWORKS FUND

Sec. 601. Public Safety and Secure Networks Fund

Section 601 establishes in the Department of Treasury the Public Safety and Secure Networks Fund. This section also requires that, after proceeds are transferred to the Department of Treasury consistent with the baseline established by the Congressional Budget Office (CBO), the amounts deposited in the Fund must be available or deposited such that the first \$17.7 billion will be deposited in the Treasury to account for the baseline in the Congressional Budget Office's budget. Next, this section requires that up to \$3.4 billion will be made available to the FCC to make reimbursements through the Reimbursement Program. Following this, the section requires that up to \$10 billion is then made available to the Next Generation 9–1–1 grant program established in Title III. And after this, the section requires that \$117.4 million is made available to the Assistant Secretary to implement the incumbent information capability required by Title IV. Finally, section 601 requires that any funds remaining in the Public Safety and Secure Networks Fund will be deposited in the general fund of the Treasury for the sole purpose of deficit reduction.

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934

* * * * *

TITLE III—SPECIAL PROVISIONS RELATING TO RADIO

PART I—GENERAL PROVISIONS

* * * * *

SEC. 309. ACTION UPON APPLICATIONS; FORM OF AND CONDITIONS ATTACHED TO LICENSES.

(a) Subject to the provisions of this section, the Commission shall determine, in the case of each application filed with it to which section 308 applies, whether the public interest, convenience, and necessity will be served by the granting of such application, and, if the Commission, upon examination of such application and upon consideration of such other matters as the Commission may officially notice, shall find that public interest, convenience, and neces-

sity would be served by the granting thereof, it shall grant such application.

(b) Except as provided in subsection (c) of this section, no such application—

(1) for an instrument of authorization in the case of a station in the broadcasting or common carrier services, or

(2) for an instrument of authorization in the case of a station in any of the following categories:

(A) industrial radio positioning stations for which frequencies are assigned on an exclusive basis,

(B) aeronautical en route stations,

(C) aeronautical advisory stations,

(D) airdrome control stations,

(E) aeronautical fixed stations, and

(F) such other stations or classes of stations, not in the broadcasting or common carrier services, as the Commission shall by rule prescribe,

shall be granted by the Commission earlier than thirty days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereof.

(c) Subsection (b) of this section shall not apply—

(1) to any minor amendment of an application to which such subsection is applicable, or

(2) to any application for—

(A) a minor change in the facilities of an authorized station,

(B) consent to an involuntary assignment or transfer under section 310(b) or to an assignment or transfer thereunder which does not involve a substantial change in ownership or control,

(C) a license under section 319(c) or, pending application for or grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such license,

(D) extension of time to complete construction of authorized facilities,

(E) an authorization of facilities for remote pickups, studio links and similar facilities for use in the operation of a broadcast station,

(F) authorizations pursuant to section 325(c) where the programs to be transmitted are special events not of a continuing nature,

(G) a special temporary authorization for nonbroadcast operation not to exceed thirty days where no application for regular operation is contemplated to be filed or not to exceed sixty days pending the filing of an application for such regular operation, or

(H) an authorization under any of the proviso clauses of section 308(a).

(d)(1) Any party in interest may file with the Commission a petition to deny any application (whether as originally filed or as amended) to which subsection (b) of this section applies at any time

prior to the day of Commission grant thereof without hearing or the day of formal designation thereof for hearing; except that with respect to any classification of applications, the Commission from time to time by rule may specify a shorter period (no less than thirty days following the issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereof), which shorter period shall be reasonably related to the time when the applications would normally be reached for processing. The petitioner shall serve a copy of such petition on the applicant. The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with subsection (a) (or subsection (k) in the case of renewal of any broadcast station license). Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof. The applicant shall be given the opportunity to file a reply in which allegations of fact or denials thereof shall similarly be supported by affidavit.

(2) If the Commission finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there are no substantial and material questions of fact and that a grant of the application would be consistent with subsection (a) (or subsection (k) in the case of renewal of any broadcast station license), it shall make the grant, deny the petition, and issue a concise statement of the reasons for denying the petition, which statement shall dispose of all substantial issues raised by the petition. If a substantial and material question of fact is presented or if the Commission for any reason is unable to find that grant of the application would be consistent with subsection (a) (or subsection (k) in the case of renewal of any broadcast station license), it shall proceed as provided in subsection (e).

(e) If, in the case of any application to which subsection (a) of this section applies, a substantial and material question of fact is presented or the Commission for any reason is unable to make the finding specified in such subsection, it shall formally designate the application for hearing on the ground or reasons then obtaining and shall forthwith notify the applicant and all other known parties in interest of such action and the ground and reasons therefor, specifying with particularity the matters and things in issue but not including issues or requirements phrased generally. When the Commission has so designated an application for hearing, the parties in interest, if any, who are not notified by the Commission of such action may acquire the status of a party to the proceeding thereon by filing a petition for intervention showing the basis for their interest not more than thirty days after publication of the hearing issues or any substantial amendment thereto in the Federal Register. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission.

(f) When an application subject to subsection (b) has been filed, the Commission, notwithstanding the requirements of such subsection, may, if the grant of such application is otherwise authorized by law and if it finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of such temporary operations would seriously prejudice the public interest, grant a temporary authorization, accompanied by a statement of its reasons therefor, to permit such temporary operations for a period not exceeding 180 days, and upon making like findings may extend such temporary authorization for additional periods not to exceed 180 days. When any such grant of a temporary authorization is made, the Commission shall give expeditious treatment to any timely filed petition to deny such application and to any petition for rehearing of such grant filed under section 405.

(g) The Commission is authorized to adopt reasonable classifications of applications and amendments in order to effectuate the purposes of this section.

(h) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right of use or control conferred by section 706 of this Act.

(i) RANDOM SELECTION.—

(1) GENERAL AUTHORITY.—Except as provided in paragraph (5), if there is more than one application for any initial license or construction permit, then the Commission shall have the authority to grant such license or permit to a qualified applicant through the use of a system of random selection.

(2) No license or construction permit shall be granted to an applicant selected pursuant to paragraph (1) unless the Commission determines the qualifications of such applicant pursuant to subsection (a) and section 308(b). When substantial and material questions of fact exist concerning such qualifications, the Commission shall conduct a hearing in order to make such determinations. For the purposes of making such determinations, the Commission may, by rule, and notwithstanding any other provision of law—

(A) adopt procedures for the submission of all or part of the evidence in written form;

(B) delegate the function of presiding at the taking of written evidence to Commission employees other than administrative law judges; and

(C) omit the determination required by subsection (a) with respect to any application other than the one selected pursuant to paragraph (1).

(3)(A) The Commission shall establish rules and procedures to ensure that, in the administration of any system of random selection under this subsection used for granting licenses or construc-

tion permits for any media of mass communications, significant preferences will be granted to applicants or groups of applicants, the grant to which of the license or permit would increase the diversification of ownership of the media of mass communications. To further diversify the ownership of the media of mass communications, an additional significant preference shall be granted to any applicant controlled by a member or members of minority group.

(B) The Commission shall have authority to require each qualified applicant seeking a significant preference under subparagraph (A) to submit to the Commission such information as may be necessary to enable the Commission to make a determination regarding whether such applicant shall be granted such preference. Such information shall be submitted in such form, at such times, and in accordance with such procedures, as the Commission may require.

(C) For purposes of this paragraph:

(i) The term “media of mass communication” includes television, radio, cable television, multipoint distribution service, direct broadcast satellite service, and other services, the licensed facilities of which may be substantially devoted toward providing programming or other information services within the editorial control of the licensee.

(ii) The term “minority group” includes Blacks, Hispanics, American Indians, Alaska Natives, Asians, and Pacific Islanders.

(4)(A) The Commission shall, after notice and opportunity for hearing, prescribe rules establishing a system of random selection for use by the Commission under this subsection in any instance in which the Commission, in its discretion, determines that such use is appropriate for the granting of any license or permit in accordance with paragraph (1).

(B) The Commission shall have authority to amend such rules from time to time to the extent necessary to carry out the provisions of this subsection. Any such amendment shall be made after notice and opportunity for hearing.

(C) Not later than 180 days after the date of enactment of this subparagraph, the Commission shall prescribe such transfer disclosures and antitrafficking restrictions and payment schedules as are necessary to prevent the unjust enrichment of recipients of licenses or permits as a result of the methods employed to issue licenses under this subsection.

(5) TERMINATION OF AUTHORITY.—(A) Except as provided in subparagraph (B), the Commission shall not issue any license or permit using a system of random selection under this subsection after July 1, 1997.

(B) Subparagraph (A) of this paragraph shall not apply with respect to licenses or permits for stations described in section 397(6) of this Act.

(j) USE OF COMPETITIVE BIDDING.—

(1) GENERAL AUTHORITY.—If, consistent with the obligations described in paragraph (6)(E), mutually exclusive applications are accepted for any initial license or construction permit, then, except as provided in paragraph (2), the Commission shall grant the license or permit to a qualified applicant through a system of competitive bidding that meets the requirements of this subsection.

(2) EXEMPTIONS.—The competitive bidding authority granted by this subsection shall not apply to licenses or construction permits issued by the Commission—

(A) for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations, that—

(i) are used to protect the safety of life, health, or property; and

(ii) are not made commercially available to the public;

(B) for initial licenses or construction permits for digital television service given to existing terrestrial broadcast licensees to replace their analog television service licenses; or

(C) for stations described in section 397(6) of this Act.

(3) DESIGN OF SYSTEMS OF COMPETITIVE BIDDING.—For each class of licenses or permits that the Commission grants through the use of a competitive bidding system, the Commission shall, by regulation, establish a competitive bidding methodology. The Commission shall seek to design and test multiple alternative methodologies under appropriate circumstances. The Commission shall, directly or by contract, provide for the design and conduct (for purposes of testing) of competitive bidding using a contingent combinatorial bidding system that permits prospective bidders to bid on combinations or groups of licenses in a single bid and to enter multiple alternative bids within a single bidding round. In identifying classes of licenses and permits to be issued by competitive bidding, in specifying eligibility and other characteristics of such licenses and permits, and in designing the methodologies for use under this subsection, the Commission shall include safeguards to protect the public interest in the use of the spectrum and shall seek to promote the purposes specified in section 1 of this Act and the following objectives:

(A) the development and rapid deployment of new technologies, products, and services for the benefit of the public, including those residing in rural areas, without administrative or judicial delays;

(B) promoting economic opportunity and competition and ensuring that new and innovative technologies are readily accessible to the American people by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women;

(C) recovery for the public of a portion of the value of the public spectrum resource made available for commercial use and avoidance of unjust enrichment through the methods employed to award uses of that resource;

(D) efficient and intensive use of the electromagnetic spectrum;

(E) ensure that, in the scheduling of any competitive bidding under this subsection, an adequate period is allowed—

(i) before issuance of bidding rules, to permit notice and comment on proposed auction procedures; and

(ii) after issuance of bidding rules, to ensure that interested parties have a sufficient time to develop business plans, assess market conditions, and evaluate the availability of equipment for the relevant services; and

(F) for any auction of eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)), the recovery of 110 percent of estimated relocation or sharing costs as provided to the Commission pursuant to section 113(g)(4) of such Act.

(4) CONTENTS OF REGULATIONS.—In prescribing regulations pursuant to paragraph (3), the Commission shall—

(A) consider alternative payment schedules and methods of calculation, including lump sums or guaranteed installment payments, with or without royalty payments, or other schedules or methods that promote the objectives described in paragraph (3)(B), and combinations of such schedules and methods;

(B) include performance requirements, such as appropriate deadlines and penalties for performance failures, to ensure prompt delivery of service to rural areas, to prevent stockpiling or warehousing of spectrum by licensees or permittees, and to promote investment in and rapid deployment of new technologies and services;

(C) consistent with the public interest, convenience, and necessity, the purposes of this Act, and the characteristics of the proposed service, prescribe area designations and bandwidth assignments that promote (i) an equitable distribution of licenses and services among geographic areas, (ii) economic opportunity for a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women, and (iii) investment in and rapid deployment of new technologies and services;

(D) ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services, and, for such purposes, consider the use of tax certificates, bidding preferences, and other procedures;

(E) require such transfer disclosures and antitrafficking restrictions and payment schedules as may be necessary to prevent unjust enrichment as a result of the methods employed to issue licenses and permits; and

(F) prescribe methods by which a reasonable reserve price will be required, or a minimum bid will be established, to obtain any license or permit being assigned pursuant to the competitive bidding, unless the Commission determines that such a reserve price or minimum bid is not in the public interest.

(5) **BIDDER AND LICENSEE QUALIFICATION.**—No person shall be permitted to participate in a system of competitive bidding pursuant to this subsection unless such bidder submits such information and assurances as the Commission may require to demonstrate that such bidder's application is acceptable for filing. No license shall be granted to an applicant selected pursuant to this subsection unless the Commission determines that the applicant is qualified pursuant to subsection (a) and sections 308(b) and 310. Consistent with the objectives described in paragraph (3), the Commission shall, by regulation, prescribe expedited procedures consistent with the procedures authorized by subsection (i)(2) for the resolution of any substantial and material issues of fact concerning qualifications.

(6) **RULES OF CONSTRUCTION.**—Nothing in this subsection, or in the use of competitive bidding, shall—

(A) alter spectrum allocation criteria and procedures established by the other provisions of this Act;

(B) limit or otherwise affect the requirements of subsection (h) of this section, section 301, 304, 307, 310, or 706, or any other provision of this Act (other than subsections (d)(2) and (e) of this section);

(C) diminish the authority of the Commission under the other provisions of this Act to regulate or reclaim spectrum licenses;

(D) be construed to convey any rights, including any expectation of renewal of a license, that differ from the rights that apply to other licenses within the same service that were not issued pursuant to this subsection;

(E) be construed to relieve the Commission of the obligation in the public interest to continue to use engineering solutions, negotiation, threshold qualifications, service regulations, and other means in order to avoid mutual exclusivity in application and licensing proceedings;

(F) be construed to prohibit the Commission from issuing nationwide, regional, or local licenses or permits;

(G) be construed to prevent the Commission from awarding licenses to those persons who make significant contributions to the development of a new telecommunications service or technology; or

(H) be construed to relieve any applicant for a license or permit of the obligation to pay charges imposed pursuant to section 8 of this Act.

(7) **CONSIDERATION OF REVENUES IN PUBLIC INTEREST DETERMINATIONS.**—

(A) **CONSIDERATION PROHIBITED.**—In making a decision pursuant to section 303(c) to assign a band of frequencies to a use for which licenses or permits will be issued pursuant to this subsection, and in prescribing regulations pursuant to paragraph (4)(C) of this subsection, the Commission may not base a finding of public interest, convenience, and necessity on the expectation of Federal revenues from the use of a system of competitive bidding under this subsection.

(B) **CONSIDERATION LIMITED.**—In prescribing regulations pursuant to paragraph (4)(A) of this subsection, the Com-

mission may not base a finding of public interest, convenience, and necessity solely or predominantly on the expectation of Federal revenues from the use of a system of competitive bidding under this subsection.

(C) CONSIDERATION OF DEMAND FOR SPECTRUM NOT AFFECTED.—Nothing in this paragraph shall be construed to prevent the Commission from continuing to consider consumer demand for spectrum-based services.

(8) TREATMENT OF REVENUES.—

(A) GENERAL RULE.—Except as provided in subparagraphs (B), (D), (E), (F), and (G), all proceeds from the use of a competitive bidding system under this subsection shall be deposited in the Treasury in accordance with chapter 33 of title 31, United States Code.

(B) RETENTION OF REVENUES.—Notwithstanding subparagraph (A), the salaries and expenses account of the Commission shall retain as an offsetting collection such sums as may be necessary from such proceeds for the costs of developing and implementing the program required by this subsection. Such offsetting collections shall be available for obligation subject to the terms and conditions of the receiving appropriations account, and shall be deposited in such accounts on a quarterly basis. Such offsetting collections are authorized to remain available until expended.

(C) DEPOSIT AND USE OF AUCTION ESCROW ACCOUNTS.—Any deposits the Commission may require for the qualification of any person to bid in a system of competitive bidding pursuant to this subsection shall be deposited in the Treasury. Within 45 days following the conclusion of the competitive bidding—

(i) the deposits of successful bidders shall be deposited in the general fund of the Treasury (where such deposits shall be used for the sole purpose of deficit reduction), except as otherwise provided in subparagraphs (D)(ii), (E)(ii), (F), and (G); and

(ii) the deposits of unsuccessful bidders shall be returned to such bidders, and payments representing the return of such deposits shall not be subject to administrative offset under section 3716(c) of title 31, United States Code.

(D) PROCEEDS FROM REALLOCATED FEDERAL SPECTRUM.—

(i) IN GENERAL.—Except as provided in clause (ii), cash proceeds attributable to the auction of any eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act, and shall be available in accordance with that section.

(ii) CERTAIN OTHER PROCEEDS.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), in the case of proceeds (including deposits and upfront payments from successful bidders) attributable to the auction of eligible frequencies described

in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act that are required to be auctioned by section 6401(b)(1)(B) of the Middle Class Tax Relief and Job Creation Act of 2012, such portion of such proceeds as is necessary to cover the relocation or sharing costs (as defined in paragraph (3) of such section 113(g)) of Federal entities relocated from such eligible frequencies shall be deposited in the Spectrum Relocation Fund. The remainder of such proceeds shall be deposited in the Public Safety Trust Fund established by section 6413(a)(1) of the Middle Class Tax Relief and Job Creation Act of 2012.

(E) TRANSFER OF RECEIPTS.—

(i) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund to be known as the Digital Television Transition and Public Safety Fund.

(ii) PROCEEDS FOR FUNDS.—Notwithstanding subparagraph (A), the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection with respect to recovered analog spectrum shall be deposited in the Digital Television Transition and Public Safety Fund.

(iii) TRANSFER OF AMOUNT TO TREASURY.—On September 30, 2009, the Secretary shall transfer \$7,363,000,000 from the Digital Television Transition and Public Safety Fund to the general fund of the Treasury.

(iv) RECOVERED ANALOG SPECTRUM.—For purposes of clause (i), the term “recovered analog spectrum” has the meaning provided in paragraph (15)(C)(vi).

(F) CERTAIN PROCEEDS DESIGNATED FOR PUBLIC SAFETY TRUST FUND.—Notwithstanding subparagraph (A) and except as provided in subparagraphs (B) and (D)(ii), the proceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding under this subsection pursuant to section 6401(b)(1)(B) of the Middle Class Tax Relief and Job Creation Act of 2012 shall be deposited in the Public Safety Trust Fund established by section 6413(a)(1) of such Act.

(G) INCENTIVE AUCTIONS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the Commission may encourage a licensee to relinquish voluntarily some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses subject to flexible-use service rules by sharing with such licensee a portion, based on the value of the relinquished rights as determined in the reverse auction required by clause (ii)(I), of the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection.

(ii) LIMITATIONS.—The Commission may not enter into an agreement for a licensee to relinquish spectrum usage rights in exchange for a share of auction proceeds under clause (i) unless—

(I) the Commission conducts a reverse auction to determine the amount of compensation that licensees would accept in return for voluntarily relinquishing spectrum usage rights; and

(II) at least two competing licensees participate in the reverse auction.

(iii) TREATMENT OF REVENUES.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the proceeds (including deposits and upfront payments from successful bidders) from any auction, prior to the end of fiscal year 2022, of spectrum usage rights made available under clause (i) that are not shared with licensees under such clause shall be deposited as follows:

(I) \$1,750,000,000 of the proceeds from the incentive auction of broadcast television spectrum required by section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 shall be deposited in the TV Broadcaster Relocation Fund established by subsection (d)(1) of such section.

(II) All other proceeds shall be deposited—

(aa) prior to the end of fiscal year 2022, in the Public Safety Trust Fund established by section 6413(a)(1) of such Act; and

(bb) after the end of fiscal year 2022, in the general fund of the Treasury, where such proceeds shall be dedicated for the sole purpose of deficit reduction.

(iv) CONGRESSIONAL NOTIFICATION.—At least 3 months before any incentive auction conducted under this subparagraph, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress of the methodology for calculating the amounts that will be shared with licensees under clause (i).

(v) DEFINITION.—In this subparagraph, the term “appropriate committees of Congress” means—

(I) the Committee on Commerce, Science, and Transportation of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Energy and Commerce of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(9) USE OF FORMER GOVERNMENT SPECTRUM.—The Commission shall, not later than 5 years after the date of enactment of this subsection, issue licenses and permits pursuant to this subsection for the use of bands of frequencies that—

(A) in the aggregate span not less than 10 megahertz;
and

(B) have been reassigned from Government use pursuant to part B of the National Telecommunications and Information Administration Organization Act.

(10) AUTHORITY CONTINGENT ON AVAILABILITY OF ADDITIONAL SPECTRUM.—

(A) INITIAL CONDITIONS.—The Commission’s authority to issue licenses or permits under this subsection shall not take effect unless—

(i) the Secretary of Commerce has submitted to the Commission the report required by section 113(d)(1) of the National Telecommunications and Information Administration Organization Act;

(ii) such report recommends for immediate reallocation bands of frequencies that, in the aggregate, span not less than 50 megahertz;

(iii) such bands of frequencies meet the criteria required by section 113(a) of such Act; and

(iv) the Commission has completed the rulemaking required by section 332(c)(1)(D) of this Act.

(B) SUBSEQUENT CONDITIONS.—The Commission’s authority to issue licenses or permits under this subsection on and after 2 years after the date of the enactment of this subsection shall cease to be effective if—

(i) the Secretary of Commerce has failed to submit the report required by section 113(a) of the National Telecommunications and Information Administration Organization Act;

(ii) the President has failed to withdraw and limit assignments of frequencies as required by paragraphs (1) and (2) of section 114(a) of such Act;

(iii) the Commission has failed to issue the regulations required by section 115(a) of such Act;

(iv) the Commission has failed to complete and submit to Congress, not later than 18 months after the date of enactment of this subsection, a study of current and future spectrum needs of State and local government public safety agencies through the year 2010, and a specific plan to ensure that adequate frequencies are made available to public safety licensees; or

(v) the Commission has failed under section 332(c)(3) to grant or deny within the time required by such section any petition that a State has filed within 90 days after the date of enactment of this subsection; until such failure has been corrected.

(11) TERMINATION.—The authority of the Commission to grant a license or permit under this subsection shall expire **September 30, 2022** *March 31, 2024*, except that, with respect to the electromagnetic spectrum identified under section 1004(a) of the Spectrum Pipeline Act of 2015, such authority shall expire on September 30, **2025**, and with respect to the electromagnetic spectrum identified under section 90008(b)(2)(A)(ii) of the Infrastructure Investment and Jobs

Act, such authority shall expire on the date that is 7 years after the date of enactment of that Act.] 2026, and with respect to the electromagnetic spectrum identified under section 101(b)(2)(A) of the Spectrum Innovation Act of 2022, such authority shall expire on the date that is 7 years after the date of enactment of that Act.

(13) RECOVERY OF VALUE OF PUBLIC SPECTRUM IN CONNECTION WITH PIONEER PREFERENCES.—

(A) IN GENERAL.—Notwithstanding paragraph (6)(G), the Commission shall not award licenses pursuant to a preferential treatment accorded by the Commission to persons who make significant contributions to the development of a new telecommunications service or technology, except in accordance with the requirements of this paragraph.

(B) RECOVERY OF VALUE.—The Commission shall recover for the public a portion of the value of the public spectrum resource made available to such person by requiring such person, as a condition for receipt of the license, to agree to pay a sum determined by—

(i) identifying the winning bids for the licenses that the Commission determines are most reasonably comparable in terms of bandwidth, scope of service area, usage restrictions, and other technical characteristics to the license awarded to such person, and excluding licenses that the Commission determines are subject to bidding anomalies due to the award of preferential treatment;

(ii) dividing each such winning bid by the population of its service area (hereinafter referred to as the per capita bid amount);

(iii) computing the average of the per capita bid amounts for the licenses identified under clause (i);

(iv) reducing such average amount by 15 percent; and

(v) multiplying the amount determined under clause (iv) by the population of the service area of the license obtained by such person.

(C) INSTALLMENTS PERMITTED.—The Commission shall require such person to pay the sum required by subparagraph (B) in a lump sum or in guaranteed installment payments, with or without royalty payments, over a period of not more than 5 years.

(D) RULEMAKING ON PIONEER PREFERENCES.—Except with respect to pending applications described in clause (iv) of this subparagraph, the Commission shall prescribe regulations specifying the procedures and criteria by which the Commission will evaluate applications for preferential treatment in its licensing processes (by precluding the filing of mutually exclusive applications) for persons who make significant contributions to the development of a new service or to the development of new technologies that substantially enhance an existing service. Such regulations shall—

(i) specify the procedures and criteria by which the significance of such contributions will be determined,

after an opportunity for review and verification by experts in the radio sciences drawn from among persons who are not employees of the Commission or by any applicant for such preferential treatment;

(ii) include such other procedures as may be necessary to prevent unjust enrichment by ensuring that the value of any such contribution justifies any reduction in the amounts paid for comparable licenses under this subsection;

(iii) be prescribed not later than 6 months after the date of enactment of this paragraph;

(iv) not apply to applications that have been accepted for filing on or before September 1, 1994; and

(v) cease to be effective on the date of the expiration of the Commission's authority under subparagraph (F).

(E) IMPLEMENTATION WITH RESPECT TO PENDING APPLICATIONS.—In applying this paragraph to any broadband licenses in the personal communications service awarded pursuant to the preferential treatment accorded by the Federal Communications Commission in the Third Report and Order in General Docket 90–314 (FCC 93–550, released February 3, 1994)—

(i) the Commission shall not reconsider the award of preferences in such Third Report and Order, and the Commission shall not delay the grant of licenses based on such awards more than 15 days following the date of enactment of this paragraph, and the award of such preferences and licenses shall not be subject to administrative or judicial review;

(ii) the Commission shall not alter the bandwidth or service areas designated for such licenses in such Third Report and Order;

(iii) except as provided in clause (v), the Commission shall use, as the most reasonably comparable licenses for purposes of subparagraph (B)(i), the broadband licenses in the personal communications service for blocks A and B for the 20 largest markets (ranked by population) in which no applicant has obtained preferential treatment;

(iv) for purposes of subparagraph (C), the Commission shall permit guaranteed installment payments over a period of 5 years, subject to—

(I) the payment only of interest on unpaid balances during the first 2 years, commencing not later than 30 days after the award of the license (including any preferential treatment used in making such award) is final and no longer subject to administrative or judicial review, except that no such payment shall be required prior to the date of completion of the auction of the comparable licenses described in clause (iii); and

(II) payment of the unpaid balance and interest thereon after the end of such 2 years in accord-

ance with the regulations prescribed by the Commission; and

(v) the Commission shall recover with respect to broadband licenses in the personal communications service an amount under this paragraph that is equal to not less than \$400,000,000, and if such amount is less than \$400,000,000, the Commission shall recover an amount equal to \$400,000,000 by allocating such amount among the holders of such licenses based on the population of the license areas held by each licensee.

The Commission shall not include in any amounts required to be collected under clause (v) the interest on unpaid balances required to be collected under clause (iv).

(F) EXPIRATION.—The authority of the Commission to provide preferential treatment in licensing procedures (by precluding the filing of mutually exclusive applications) to persons who make significant contributions to the development of a new service or to the development of new technologies that substantially enhance an existing service shall expire on the date of enactment of the Balanced Budget Act of 1997.

(G) EFFECTIVE DATE.—This paragraph shall be effective on the date of its enactment and apply to any licenses issued on or after August 1, 1994, by the Federal Communications Commission pursuant to any licensing procedure that provides preferential treatment (by precluding the filing of mutually exclusive applications) to persons who make significant contributions to the development of a new service or to the development of new technologies that substantially enhance an existing service.

(14) AUCTION OF RECAPTURED BROADCAST TELEVISION SPECTRUM.—

(A) LIMITATIONS ON TERMS OF TERRESTRIAL TELEVISION BROADCAST LICENSES.—A full-power television broadcast license that authorizes analog television service may not be renewed to authorize such service for a period that extends beyond June 12, 2009.

(B) SPECTRUM REVERSION AND RESALE.—

(i) The Commission shall—

(I) ensure that, as licenses for analog television service expire pursuant to subparagraph (A), each licensee shall cease using electromagnetic spectrum assigned to such service according to the Commission's direction; and

(II) reclaim and organize the electromagnetic spectrum in a manner consistent with the objectives described in paragraph (3) of this subsection.

(ii) Licensees for new services occupying spectrum reclaimed pursuant to clause (i) shall be assigned in accordance with this subsection.

(C) CERTAIN LIMITATIONS ON QUALIFIED BIDDERS PROHIBITED.—In prescribing any regulations relating to the qualification of bidders for spectrum reclaimed pursuant to subparagraph (B)(i), the Commission, for any license that may

be used for any digital television service where the grade A contour of the station is projected to encompass the entirety of a city with a population in excess of 400,000 (as determined using the 1990 decennial census), shall not—

(i) preclude any party from being a qualified bidder for such spectrum on the basis of—

(I) the Commission's duopoly rule (47 C.F.R. 73.3555(b)); or

(II) the Commission's newspaper cross-ownership rule (47 C.F.R. 73.3555(d)); or

(ii) apply either such rule to preclude such a party that is a winning bidder in a competitive bidding for such spectrum from using such spectrum for digital television service.

(15) COMMISSION TO DETERMINE TIMING OF AUCTIONS.—

(A) COMMISSION AUTHORITY.—Subject to the provisions of this subsection (including paragraph (11)), but notwithstanding any other provision of law, the Commission shall determine the timing of and deadlines for the conduct of competitive bidding under this subsection, including the timing of and deadlines for qualifying for bidding; conducting auctions; collecting, depositing, and reporting revenues; and completing licensing processes and assigning licenses.

(B) TERMINATION OF PORTIONS OF AUCTIONS 31 AND 44.—Except as provided in subparagraph (C), the Commission shall not commence or conduct auctions 31 and 44 on June 19, 2002, as specified in the public notices of March 19, 2002, and March 20, 2002 (DA 02-659 and DA 02-563).

(C) EXCEPTION.—

(i) BLOCKS EXCEPTED.—Subparagraph (B) shall not apply to the auction of—

(I) the C-block of licenses on the bands of frequencies located at 710–716 megahertz, and 740–746 megahertz; or

(II) the D-block of licenses on the bands of frequencies located at 716–722 megahertz.

(ii) ELIGIBLE BIDDERS.—The entities that shall be eligible to bid in the auction of the C-block and D-block licenses described in clause (i) shall be those entities that were qualified entities, and that submitted applications to participate in auction 44, by May 8, 2002, as part of the original auction 44 short form filing deadline.

(iii) AUCTION DEADLINES FOR EXCEPTED BLOCKS.—Notwithstanding subparagraph (B), the auction of the C-block and D-block licenses described in clause (i) shall be commenced no earlier than August 19, 2002, and no later than September 19, 2002, and the proceeds of such auction shall be deposited in accordance with paragraph (8) not later than December 31, 2002.

(v) ADDITIONAL DEADLINES FOR RECOVERED ANALOG SPECTRUM.—Notwithstanding subparagraph (B), the Commission shall conduct the auction of the licenses for recovered analog spectrum by commencing the bid-

ding not later than January 28, 2008, and shall deposit the proceeds of such auction in accordance with paragraph (8)(E)(ii) not later than June 30, 2008.

(vi) RECOVERED ANALOG SPECTRUM.—For purposes of clause (v), the term “recovered analog spectrum” means the spectrum between channels 52 and 69, inclusive (between frequencies 698 and 806 megahertz, inclusive) reclaimed from analog television service broadcasting under paragraph (14), other than—

(I) the spectrum required by section 337 to be made available for public safety services; and

(II) the spectrum auctioned prior to the date of enactment of the Digital Television Transition and Public Safety Act of 2005.

(D) RETURN OF PAYMENTS.—Within one month after the date of enactment of this paragraph, the Commission shall return to the bidders for licenses in the A-block, B-block, and E-block of auction 44 the full amount of all upfront payments made by such bidders for such licenses.

(16) SPECIAL AUCTION PROVISIONS FOR ELIGIBLE FREQUENCIES.—

(A) SPECIAL REGULATIONS.—The Commission shall revise the regulations prescribed under paragraph (4)(F) of this subsection to prescribe methods by which the total cash proceeds from any auction of eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) shall at least equal 110 percent of the total estimated relocation or sharing costs provided to the Commission pursuant to section 113(g)(4) of such Act.

(B) CONCLUSION OF AUCTIONS CONTINGENT ON MINIMUM PROCEEDS.—The Commission shall not conclude any auction of eligible frequencies described in section 113(g)(2) of such Act if the total cash proceeds attributable to such spectrum are less than 110 percent of the total estimated relocation or sharing costs provided to the Commission pursuant to section 113(g)(4) of such Act. If the Commission is unable to conclude an auction for the foregoing reason, the Commission shall cancel the auction, return within 45 days after the auction cancellation date any deposits from participating bidders held in escrow, and absolve such bidders from any obligation to the United States to bid in any subsequent reaction of such spectrum.

(C) AUTHORITY TO ISSUE PRIOR TO DEAUTHORIZATION.—In any auction conducted under the regulations required by subparagraph (A), the Commission may grant a license assigned for the use of eligible frequencies prior to the termination of an eligible Federal entity’s authorization. However, the Commission shall condition such license by requiring that the licensee cannot cause harmful interference to such Federal entity until such entity’s authorization has been terminated by the National Telecommunications and Information Administration.

(17) CERTAIN CONDITIONS ON AUCTION PARTICIPATION PROHIBITED.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Commission may not prevent a person from participating in a system of competitive bidding under this subsection if such person—

(i) complies with all the auction procedures and other requirements to protect the auction process established by the Commission; and

(ii) either—

(I) meets the technical, financial, character, and citizenship qualifications that the Commission may require under section 303(l)(1), 308(b), or 310 to hold a license; or

(II) would meet such license qualifications by means approved by the Commission prior to the grant of the license.

(B) CLARIFICATION OF AUTHORITY.—Nothing in subparagraph (A) affects any authority the Commission has to adopt and enforce rules of general applicability, including rules concerning spectrum aggregation that promote competition.

(18) ESTIMATE OF UPCOMING AUCTIONS.—

(A) Not later than September 30, 2018, and annually thereafter, the Commission shall make publicly available an estimate of what systems of competitive bidding authorized under this subsection may be initiated during the upcoming 12-month period.

(B) The estimate under subparagraph (A) shall, to the extent possible, identify the bands of frequencies the Commission expects to be included in each such system of competitive bidding.

(k) BROADCAST STATION RENEWAL PROCEDURES.—

(1) STANDARDS FOR RENEWAL.—If the licensee of a broadcast station submits an application to the Commission for renewal of such license, the Commission shall grant the application if it finds, with respect to that station, during the preceding term of its license—

(A) the station has served the public interest, convenience, and necessity;

(B) there have been no serious violations by the licensee of this Act or the rules and regulations of the Commission; and

(C) there have been no other violations by the licensee of this Act or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse.

(2) CONSEQUENCE OF FAILURE TO MEET STANDARD.—If any licensee of a broadcast station fails to meet the requirements of this subsection, the Commission may deny the application for renewal in accordance with paragraph (3), or grant such application on terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted.

(3) STANDARDS FOR DENIAL.—If the Commission determines, after notice and opportunity for a hearing as provided in subsection (e), that a licensee has failed to meet the requirements

specified in paragraph (1) and that no mitigating factors justify the imposition of lesser sanctions, the Commission shall—

(A) issue an order denying the renewal application filed by such licensee under section 308; and

(B) only thereafter accept and consider such applications for a construction permit as may be filed under section 308 specifying the channel or broadcasting facilities of the former licensee.

(4) COMPETITOR CONSIDERATION PROHIBITED.—In making the determinations specified in paragraph (1) or (2), the Commission shall not consider whether the public interest, convenience, and necessity might be served by the grant of a license to a person other than the renewal applicant.

(1) APPLICABILITY OF COMPETITIVE BIDDING TO PENDING COMPARATIVE LICENSING CASES.—With respect to competing applications for initial licenses or construction permits for commercial radio or television stations that were filed with the Commission before July 1, 1997, the Commission shall—

(1) have the authority to conduct a competitive bidding proceeding pursuant to subsection (j) to assign such license or permit;

(2) treat the persons filing such applications as the only persons eligible to be qualified bidders for purposes of such proceeding; and

(3) waive any provisions of its regulations necessary to permit such persons to enter an agreement to procure the removal of a conflict between their applications during the 180-day period beginning on the date of enactment of the Balanced Budget Act of 1997.

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SPECTRUM PIPELINE ACT OF 2015

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TITLE X—SPECTRUM PIPELINE

* * * * *

SEC. 1004. IDENTIFICATION, REALLOCATION, AND AUCTION OF FEDERAL SPECTRUM.

(a) IDENTIFICATION OF SPECTRUM.—Not later than January 1, [2022] 2024, the Secretary shall submit to the President and to the Commission a report identifying 30 megahertz of electromagnetic spectrum (in bands of not less than 10 megahertz of contiguous frequencies) below the frequency of 3 gigahertz (except for the spectrum between the frequencies of 1675 megahertz and 1695 megahertz) for reallocation from Federal use to non-Federal use or shared Federal and non-Federal use, or a combination thereof.

(b) CLEARING OF SPECTRUM.—The President shall—

(1) not later than January 1, [2022] 2024, begin the process of withdrawing or modifying the assignment to a Federal Government station of the electromagnetic spectrum identified under subsection (a); and

(2) not later than 30 days after completing the withdrawal or modification, notify the Commission that the withdrawal or modification is complete.

(c) REALLOCATION AND AUCTION.—

(1) IN GENERAL.—The Commission shall—

(A) reallocate the electromagnetic spectrum identified under subsection (a) for non-Federal use or shared Federal and non-Federal use, or a combination thereof; and

(B) notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), not later than July 1, **[2024]** 2026, begin a system of competitive bidding under such section to grant new initial licenses for the use of such spectrum, subject to flexible-use service rules.

(2) PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(d) PROTECTION OF CERTAIN FEDERAL SPECTRUM OPERATIONS.—If the report required by subsection (a) determines that reallocation and auction of the spectrum described in the report would harm national security by impacting existing terrestrial Federal spectrum operations at the Nevada Test and Training Range, the Commission, in coordination with the Secretary shall, prior to the auction described in subsection (c)(1)(B), establish rules for licensees in such spectrum sufficient to mitigate harmful interference to such operations.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any requirement under section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (47 U.S.C. 921 note; Public Law 106–65).

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INFRASTRUCTURE INVESTMENT AND JOBS ACT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Infrastructure Investment and Jobs Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

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DIVISION I—OTHER MATTERS

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[Sec. 90008. Spectrum auctions.]

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DIVISION I—OTHER MATTERS

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[SEC. 90008. SPECTRUM AUCTIONS.**[(a) DEFINITIONS.—In this section:****[(1) COMMISSION.—**The term “Commission” means the Federal Communications Commission.**[(2) COVERED BAND.—**The term “covered band” means the band of frequencies between 3100 and 3450 megahertz.**[(3) RELEVANT CONGRESSIONAL COMMITTEES.—**The term “relevant congressional committees” means—**[(A)** the Committee on Armed Services of the Senate;**[(B)** the Committee on Armed Services of the House of Representatives;**[(C)** the Committee on Commerce, Science, and Transportation of the Senate; and**[(D)** the Committee on Energy and Commerce of the House of Representatives.**[(b) 3.1-3.45 GHz BAND.—****[(1) PRE-AUCTION FUNDING.—****[(A) IN GENERAL.—**On the date of enactment of this Act, the Director of the Office of Management and Budget shall transfer \$50,000,000 from the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Act (47 U.S.C. 928) to the Department of Defense for the purpose of research and development, engineering studies, economic analyses, activities with respect to systems, or other planning activities to improve efficiency and effectiveness of the spectrum use of the Department of Defense in order to make available electromagnetic spectrum in the covered band—**[(i)** for reallocation for shared Federal and non-Federal commercial licensed use; and**[(ii)** for auction under paragraph (3) of this subsection.**[(B) EXEMPTION.—**Section 118(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)) shall not apply with respect to the payment required under subparagraph (A).**[(C) REPORT TO SECRETARY OF COMMERCE.—**For purposes of paragraph (2)(A), the Secretary of Defense shall report to the Secretary of Commerce the findings of the planning activities described in subparagraph (A) of this paragraph.**[(2) IDENTIFICATION.—****[(A) IN GENERAL.—**Not later than 21 months after the date of enactment of this Act, in accordance with the findings of the planning activities described in paragraph (1)(A) and subject to the determination of the Secretary of Defense under subparagraph (B) of this paragraph, the Secretary of Commerce, in coordination with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and relevant congressional committees, shall—**[(i)** determine which frequencies of electromagnetic spectrum in the covered band could be made available on a shared basis between Federal use and non-Fed-

eral commercial licensed use, subject to flexible-use service rules; and

[(ii) submit to the President and the Commission a report that identifies the frequencies determined appropriate under clause (i).

[(B) REQUIRED DETERMINATION.—The Secretary of Commerce may identify frequencies under subparagraph (A)(ii) only if the Secretary of Defense has determined that sharing those frequencies with non-Federal users would not impact the primary mission of military spectrum users in the covered band.

[(3) AUCTION.—Not earlier than November 30, 2024, the Commission, in consultation with the Assistant Secretary of Commerce for Communications and Information, shall begin a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new licenses for the spectrum identified under paragraph (2)(A)(ii) of this subsection.

[(4) SHARING OF SPECTRUM.—Not earlier than May 31, 2025, the President shall modify any assignment to a Federal Government station of the frequencies identified under clause (ii) of paragraph (2)(A) in order to accommodate shared Federal and non-Federal commercial licensed use in accordance with that paragraph.

[(5) AUCTION PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in this subsection shall be construed to relieve the Commission from the requirements under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

[(c) FCC AUCTION AUTHORITY.—

[(1) TERMINATION.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by inserting after “2025” the following: “, and with respect to the electromagnetic spectrum identified under section 90008(b)(2)(A)(ii) of the Infrastructure Investment and Jobs Act, such authority shall expire on the date that is 7 years after the date of enactment of that Act”.

[(2) SPECTRUM PIPELINE ACT OF 2015.—Section 1006(c)(1) of the Spectrum Pipeline Act of 2015 (Public Law 114-74; 129 Stat. 624) is amended by striking “2022” and inserting “2024”.]

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SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF 2019

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SEC. 4. SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM.

(a) IN GENERAL.—The Commission shall establish a reimbursement program, to be known as the “Secure and Trusted Communications Networks Reimbursement Program”, to make reimbursements to providers of advanced communications service to replace covered communications equipment or services.

(b) ELIGIBILITY.—The Commission may not make a reimbursement under the Program to a provider of advanced communications service unless the provider—

- (1) has 10,000,000 or fewer customers; and
- (2) makes all of the certifications required by subsection (d)(4).

(c) USE OF FUNDS.—

(1) IN GENERAL.—A recipient of a reimbursement under the Program shall use reimbursement funds solely for the purposes of—

(A) permanently removing covered communications equipment or services purchased, rented, leased, or otherwise obtained—

(i) as defined in the Report and Order of the Commission in the matter of Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs (FCC 19–121; WC Docket No. 18–89; adopted November 22, 2019) (in this section referred to as the “Report and Order”); or

(ii) as determined to be covered by both the process of the Report and Order and the Designation Orders of the Commission on June 30, 2020 (DA 20–690; PS Docket No. 19–351; adopted June 30, 2020) (DA 20–691; PS Docket No. 19–352; adopted June 30, 2020) (in this section collectively referred to as the “Designation Orders”);

(B) replacing the covered communications equipment or services removed as described in subparagraph (A) with communications equipment or services that are not covered communications equipment or services; and

(C) disposing of the covered communications equipment or services removed as described in subparagraph (A) in accordance with the requirements under subsection (d)(7).

(2) LIMITATIONS.—A recipient of a reimbursement under the Program may not—

(A) use reimbursement funds to remove, replace, or dispose of any covered communications equipment or service purchased, rented, leased, or otherwise obtained on or after—

(i) publication of the Report and Order; or

(ii) in the case of covered communications equipment that only became covered pursuant to the Designation Orders, June 30, 2020; or

(B) purchase, rent, lease, or otherwise obtain any covered communications equipment or service, using reimbursement funds or any other funds (including funds derived from private sources).

(d) IMPLEMENTATION.—

(1) SUGGESTED REPLACEMENTS.—

(A) DEVELOPMENT OF LIST.—The Commission shall develop a list of suggested replacements of both physical and virtual communications equipment, application and management software, and services or categories of replacements of both physical and virtual communications equipment, application and management software and services.

(B) NEUTRALITY.—The list developed under subparagraph (A) shall be technology neutral and may not advantage the use of reimbursement funds for capital expenditures over operational expenditures, to the extent that the Commission determines that communications services can serve as an adequate substitute for the installation of communications equipment.

(2) APPLICATION PROCESS.—

(A) IN GENERAL.—The Commission shall develop an application process and related forms and materials for the Program.

(B) COST ESTIMATE.—

(i) INITIAL ESTIMATE.—The Commission shall require an applicant to provide an initial reimbursement cost estimate at the time of application, with supporting materials substantiating the costs.

(ii) UPDATES.—During and after the application review process, the Commission may require an applicant to—

(I) update the initial reimbursement cost estimate submitted under clause (i); and

(II) submit additional supporting materials substantiating an updated cost estimate submitted under subclause (I).

(C) MITIGATION OF BURDEN.—In developing the application process under this paragraph, the Commission shall take reasonable steps to mitigate the administrative burdens and costs associated with the application process, while taking into account the need to avoid waste, fraud, and abuse in the Program.

(3) APPLICATION REVIEW PROCESS.—

(A) DEADLINE.—

(i) IN GENERAL.—Except as provided in clause (ii) and subparagraph (B), the Commission shall approve or deny an application for a reimbursement under the Program not later than 90 days after the date of the submission of the application.

(ii) ADDITIONAL TIME NEEDED BY COMMISSION.—If the Commission determines that, because an excessive number of applications have been filed at one time, the Commission needs additional time for employees of the Commission to process the applications, the Commission may extend the deadline described in clause (i) for not more than 45 days.

(B) OPPORTUNITY FOR APPLICANT TO CURE DEFICIENCY.—

If the Commission determines that an application is materially deficient (including by lacking an adequate cost estimate or adequate supporting materials), the Commission shall provide the applicant a 15-day period to cure the defect before denying the application. If such period would extend beyond the deadline under subparagraph (A) for approving or denying the application, such deadline shall be extended through the end of such period.

(C) EFFECT OF DENIAL.—Denial of an application for a reimbursement under the Program shall not preclude the

applicant from resubmitting the application or submitting a new application for a reimbursement under the Program at a later date.

(4) CERTIFICATIONS.—An applicant for a reimbursement under the Program shall, in the application of the applicant, certify to the Commission that—

(A) as of the date of the submission of the application, the applicant—

(i) has developed a plan for—

(I) the permanent removal and replacement of any covered communications equipment or services that are in the communications network of the applicant as of such date; and

(II) the disposal of the equipment or services removed as described in subclause (I) in accordance with the requirements under paragraph (7); and

(ii) has developed a specific timeline (subject to paragraph (6)) for the permanent removal, replacement, and disposal of the covered communications equipment or services identified under clause (i), which timeline shall be submitted to the Commission as part of the application; and

(B) beginning on the date of the approval of the application, the applicant—

(i) will not purchase, rent, lease, or otherwise obtain covered communications equipment or services, using reimbursement funds or any other funds (including funds derived from private sources); and

(ii) in developing and tailoring the risk management practices of the applicant, will consult and consider the standards, guidelines, and best practices set forth in the cybersecurity framework developed by the National Institute of Standards and Technology.

(5) DISTRIBUTION OF REIMBURSEMENT FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (C), the Commission shall make reasonable efforts to ensure that reimbursement funds are distributed equitably among all applicants for reimbursements under the Program according to the needs of the applicants, as identified by the applications of the applicants.

(B) NOTIFICATION.—If, at any time during the implementation of the Program, the Commission determines that \$1,000,000,000 will not be sufficient to fully fund all approved applications for reimbursements under the Program, the Commission shall immediately notify—

(i) the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives; and

(ii) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate.

(C) PRIORITY FOR ALLOCATION.—On and after the date of enactment of this subparagraph, the Commission shall allocate sufficient reimbursement funds—

(i) first, to approved applicants that have 2,000,000 or fewer customers, for removal and replacement of covered communications equipment, as defined in section 9 or as designated by the process set forth in the Report and Order;

(ii) after funds have been allocated to all applicants described in clause (i), to approved applicants that are accredited public or private non-commercial educational institutions providing their own facilities-based educational broadband service, as defined in section 27.4 of title 47, Code of Federal Regulations, or any successor regulation, for removal and replacement of covered communications equipment, as defined in section 9 or as designated by the process set forth in the Report and Order; and

(iii) after funds have been allocated to all applicants described in clause (ii), to any remaining approved applicants determined to be eligible for reimbursement under the Program.

(6) REMOVAL, REPLACEMENT, AND DISPOSAL TERM.—

(A) DEADLINE.—Except as provided in subparagraphs (B) and (C), the permanent removal, replacement, and disposal of any covered communications equipment or services identified under paragraph (4)(A)(i) shall be completed not later than 1 year after the date on which the Commission distributes reimbursement funds to the recipient.

(B) GENERAL EXTENSION.—The Commission may grant an extension of the deadline described in subparagraph (A) for 6 months to all recipients of reimbursements under the Program if the Commission—

(i) finds that the supply of replacement communications equipment or services needed by the recipients to achieve the purposes of the Program is inadequate to meet the needs of the recipients; and

(ii) provides notice and a detailed justification for granting the extension to—

(I) the Committee on Energy and Commerce of the House of Representatives; and

(II) the Committee on Commerce, Science, and Transportation of the Senate.

(C) INDIVIDUAL EXTENSION.—

(i) PETITION.—A recipient of a reimbursement under the Program may petition the Commission for an extension for such recipient of the deadline described in subparagraph (A) or, if the Commission has granted an extension of such deadline under subparagraph (B), such deadline as so extended.

(ii) GRANT.—The Commission may grant a petition filed under clause (i) by extending, for the recipient that filed the petition, the deadline described in subparagraph (A) or, if the Commission has granted an extension of such deadline under subparagraph (B), such deadline as so extended, for a period of not more than 6 months if the Commission finds that, due to no fault of such recipient, such recipient is unable to com-

plete the permanent removal, replacement, and disposal described in subparagraph (A).

(7) DISPOSAL OF COVERED COMMUNICATIONS EQUIPMENT OR SERVICES.—The Commission shall include in the regulations promulgated under subsection (g) requirements for the disposal by a recipient of a reimbursement under the Program of covered communications equipment or services identified under paragraph (4)(A)(i) and removed from the network of the recipient in order to prevent such equipment or services from being used in the networks of providers of advanced communications service.

(8) STATUS UPDATES.—

(A) IN GENERAL.—Not less frequently than once every 90 days beginning on the date on which the Commission approves an application for a reimbursement under the Program, the recipient of the reimbursement shall submit to the Commission a status update on the work of the recipient to permanently remove, replace, and dispose of the covered communications equipment or services identified under paragraph (4)(A)(i).

(B) PUBLIC POSTING.—Not earlier than 30 days after the date on which the Commission receives a status update under subparagraph (A), the Commission shall make such status update public on the website of the Commission.

(C) REPORTS TO CONGRESS.—Not less frequently than once every 180 days beginning on the date on which the Commission first makes funds available to a recipient of a reimbursement under the Program, the Commission shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(i) the implementation of the Program by the Commission; and

(ii) the work by recipients of reimbursements under the Program to permanently remove, replace, and dispose of covered communications equipment or services identified under paragraph (4)(A)(i).

(e) MEASURES TO AVOID WASTE, FRAUD, AND ABUSE.—

(1) IN GENERAL.—The Commission shall take all necessary steps to avoid waste, fraud, and abuse with respect to the Program.

(2) SPENDING REPORTS.—The Commission shall require recipients of reimbursements under the Program to submit to the Commission on a regular basis reports regarding how reimbursement funds have been spent, including detailed accounting of the covered communications equipment or services permanently removed and disposed of, and the replacement equipment or services purchased, rented, leased, or otherwise obtained, using reimbursement funds.

(3) AUDITS, REVIEWS, AND FIELD INVESTIGATIONS.—The Commission shall conduct—

(A) regular audits and reviews of reimbursements under the Program to confirm that recipients of such reimbursements are complying with this Act; and

(B) random field investigations to ensure that recipients of reimbursements under the Program are performing the work such recipients are required to perform under the commitments made in the applications of such recipients for reimbursements under the Program, including the permanent removal, replacement, and disposal of the covered communications equipment or services identified under subsection (d)(4)(A)(i).

(4) FINAL CERTIFICATION.—

(A) IN GENERAL.—The Commission shall require a recipient of a reimbursement under the Program to submit to the Commission, in a form and at an appropriate time to be determined by the Commission, a certification stating that the recipient—

(i) has fully complied with (or is in the process of complying with) all terms and conditions of the Program;

(ii) has fully complied with (or is in the process of complying with) the commitments made in the application of the recipient for the reimbursement;

(iii) has permanently removed from the communications network of the recipient, replaced, and disposed of (or is in the process of permanently removing, replacing, and disposing of) all covered communications equipment or services that were in the network of the recipient as of the date of the submission of the application of the recipient for the reimbursement; and

(iv) has fully complied with (or is in the process of complying with) the timeline submitted by the recipient under subparagraph (A)(ii) of paragraph (4) of subsection (d) and the other requirements of such paragraph.

(B) UPDATED CERTIFICATION.—If, at the time when a recipient of a reimbursement under the Program submits a certification under subparagraph (A), the recipient has not fully complied as described in clause (i), (ii), or (iv) of such subparagraph or has not completed the permanent removal, replacement, and disposal described in clause (iii) of such subparagraph, the Commission shall require the recipient to file an updated certification when the recipient has fully complied as described in such clause (i), (ii), or (iv) or completed such permanent removal, replacement, and disposal.

(f) EFFECT OF REMOVAL OF EQUIPMENT OR SERVICE FROM LIST.—

(1) IN GENERAL.—If, after the date on which a recipient of a reimbursement under the Program submits the application for the reimbursement, any covered communications equipment or service that is in the network of the recipient as of such date is removed from the list published under section 2(a), the recipient may—

(A) return to the Commission any reimbursement funds received for the removal, replacement, and disposal of such equipment or service and be released from any requirement under this section to remove, replace, or dispose of such equipment or service; or

(B) retain any reimbursement funds received for the removal, replacement, and disposal of such equipment or service and remain subject to the requirements of this section to remove, replace, and dispose of such equipment or service as if such equipment or service continued to be on the list published under section 2(a).

(2) ASSURANCES.—In the case of an assurance relating to the removal, replacement, or disposal of any equipment or service with respect to which the recipient returns to the Commission reimbursement funds under paragraph (1)(A), such assurance may be satisfied by making an assurance that such funds have been returned.

(g) RULEMAKING.—

(1) COMMENCEMENT.—Not later than 90 days after the date of the enactment of this Act, the Commission shall commence a rulemaking to implement this section.

(2) COMPLETION.—The Commission shall complete the rulemaking under paragraph (1) not later than 1 year after the date of the enactment of this Act.

(h) RULE OF CONSTRUCTION REGARDING TIMING OF REIMBURSEMENT.—Nothing in this section shall be construed to prohibit the Commission from making a reimbursement under the Program to a provider of advanced communications service before the provider incurs the cost of the permanent removal, replacement, and disposal of the covered communications equipment or service for which the application of the provider has been approved under this section.

(i) EDUCATION EFFORTS.—The Commission shall engage in education efforts with providers of advanced communications service to—

(1) encourage such providers to participate in the Program; and

(2) assist such providers in submitting applications for the Program.

(j) SEPARATE FROM FEDERAL UNIVERSAL SERVICE PROGRAMS.—The Program shall be separate from any Federal universal service program established under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

(k) LIMITATION.—In carrying out this section, the Commission may not expend more than ~~["\$1,900,000,000"]~~ \$5,300,000,000.

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NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT

* * * * *

TITLE I—NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

* * * * *

PART B—TRANSFER OF AUCTIONABLE FREQUENCIES

* * * * *

SEC. 120. INCUMBENT INFORMING CAPABILITY.

(a) *IN GENERAL.*—The Assistant Secretary shall—

(1) not later than 120 days after the date of the enactment of this section, begin to amend the Department of Commerce spectrum management document entitled “Manual of Regulations and Procedures for Federal Radio Frequency Management” so as to incorporate an incumbent informing capability; and

(2) not later than the date on which the total amount of funds required to be made available from the Public Safety and Secure Networks Fund under section 601(c)(3) of the Spectrum Innovation Act of 2022 is so made available, begin to implement such capability, including the development and testing of such capability.

(b) *ESTABLISHMENT OF THE INCUMBENT INFORMING CAPABILITY.*—

(1) *IN GENERAL.*—The incumbent informing capability required by subsection (a) shall include a system to enable sharing, including time-based sharing and coordination, to securely manage harmful interference between non-Federal users and incumbent Federal entities sharing a band of covered spectrum and between Federal entities sharing a band of covered spectrum.

(2) *REQUIREMENTS.*—The system required by paragraph (1) shall contain, at a minimum, the following:

(A) One or more mechanisms to allow non-Federal use in covered spectrum, as authorized by the rules of the Commission. Such mechanism or mechanisms shall include interfaces to commercial sharing systems, as appropriate.

(B) One or more mechanisms to facilitate Federal-to-Federal sharing, as authorized by the NTIA.

(C) One or more mechanisms to prevent, eliminate, or mitigate harmful interference to incumbent Federal entities, including one or more of the following functions:

- (i) Sensing.
- (ii) Identification.
- (iii) Reporting.
- (iv) Analysis.
- (v) Resolution.

(D) Dynamic coordination area analysis, definition, and control, if appropriate for a band.

(3) *COMPLIANCE WITH COMMISSION RULES.*—The incumbent informing capability required by subsection (a) shall ensure that use of covered spectrum is in accordance with the applicable rules of the Commission.

(4) *INPUT OF INFORMATION.*—

(A) *IN GENERAL.*—Each incumbent Federal entity sharing a band of covered spectrum shall—

(i) input into the system required by paragraph (1) such information as the Assistant Secretary may require, including the frequency, time, and location of the use of the band by such Federal entity; and

(ii) to the extent practicable, input such information into such system on an automated basis.

(B) *PAYMENT OF COSTS.*—Notwithstanding subsections (c) through (e) of section 118 and subparagraphs (C) through (E) of subsection (g)(2) of such section, the Director of the Office of Management and Budget, in consultation with the Assistant Secretary, may use amounts available in the Spectrum Relocation Fund to pay the costs incurred by Federal entities to input information as required by subparagraph (A).

(5) *PROTECTION OF CLASSIFIED INFORMATION AND CONTROLLED UNCLASSIFIED INFORMATION.*—The system required by paragraph (1) shall contain appropriate measures to protect classified information and controlled unclassified information, including any such classified information or controlled unclassified information that relates to military operations.

(c) *BRIEFING.*—Not later than 1 year after the date on which the total amount of funds required to be made available from the Public Safety and Secure Networks Fund under section 601(c)(3) of the Spectrum Innovation Act of 2022 is so made available, the Assistant Secretary shall provide a briefing on the implementation of this section to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) *DEFINITIONS.*—In this section:

(1) *COVERED SPECTRUM.*—The term “covered spectrum” means—

(A) *electromagnetic spectrum for which usage rights are assigned to or authorized for (including before the date on which the incumbent informing capability required by subsection (a) is implemented) a non-Federal user or class of non-Federal users for use on a shared basis with an incumbent Federal entity in accordance with the rules of the Commission; and*

(B) *electromagnetic spectrum allocated on a primary or co-primary basis for Federal use that is shared among Federal entities.*

(2) *FEDERAL ENTITY.*—The term “Federal entity” has the meaning given such term in section 113(l).

(3) *INCUMBENT INFORMING CAPABILITY.*—The term “incumbent informing capability” means a capability to facilitate the sharing of covered spectrum.

(e) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to alter or expand the authority of the NTIA as described in section 113(j)(1).

PART C—SPECIAL AND TEMPORARY PROVISIONS

* * * * *

SEC. 158. COORDINATION OF 9-1-1, E9-1-1, AND NEXT GENERATION 9-1-1 IMPLEMENTATION.

(a) 9-1-1 IMPLEMENTATION COORDINATION OFFICE.—

(1) ESTABLISHMENT AND CONTINUATION.—The Assistant Secretary [and the Administrator of the National Highway Traffic Safety Administration] shall—

(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 9–1–1 services; and

(B) establish a 9–1–1 Implementation Coordination Office to implement the provisions of this section *and section 159*.

(2) MANAGEMENT PLAN.—

(A) DEVELOPMENT.—The Assistant Secretary [and the Administrator] shall develop a management plan for the grant program established under this section, including by developing—

(i) plans related to the organizational structure of such program; and

(ii) funding profiles for each fiscal year of the duration of such program.

(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of the Next Generation 9–1–1 Advancement Act of 2012, the Assistant Secretary [and the Administrator] shall submit the management plan developed under subparagraph (A) to—

(i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

(ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

(3) PURPOSE OF OFFICE.—The Office shall—

(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

(4) ADDITIONAL DUTIES OF THE OFFICE WITH RESPECT TO NEXT GENERATION 9–1–1.—

(A) ADDITIONAL DUTIES.—The Office shall—

(i) take actions, in concert with the coordinators designated in accordance with section 159(b)(3)(A)(ii), to

improve coordination and communication with respect to the implementation of Next Generation 9–1–1;

(ii) develop, collect, and disseminate information concerning the practices, procedures, and technology used in the implementation of Next Generation 9–1–1;

(iii) advise and assist eligible entities in the preparation of implementation plans required under section 159(b)(2)(A)(iii);

(iv) provide technical assistance to eligible entities provided a grant under section 159(b) in support of efforts to explore efficiencies related to Next Generation 9–1–1;

(v) receive, review, and recommend to the Assistant Secretary and the Administrator the approval or disapproval of applications for grants under section 159(b); and

(vi) oversee the use of funds provided by such grants in fulfilling such implementation plans.

(B) ANNUAL REPORTS.—Not later than October 1, 2023, and each year thereafter until funds made available to make grants under section 159(b) are no longer available to be expended, the Assistant Secretary and the Administrator shall submit to Congress a report on the activities conducted by the Office under subparagraph (A) in the year preceding the submission of the report.

[Effective on the date of the enactment of H.R. 7624, section 301(a)(1)(B) of such bill (as reported) adds a new paragraph (4) at the end of section 158(a) of the National Telecommunications and Information Administration Organization Act (shown above in italic). Effective October 1, 2022, section 302(d)(1)(A)(i) of H.R. 7624 (as reported) provides for a global amendment to section 158. Upon such date, paragraph (4) (as so added) is further amended as follows:]

(4) ADDITIONAL DUTIES OF THE OFFICE WITH RESPECT TO NEXT GENERATION 9–1–1.—

(A) ADDITIONAL DUTIES.—The Office shall—

(i) take actions, in concert with the coordinators designated in accordance with section 159(b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of Next Generation 9–1–1;

(ii) develop, collect, and disseminate information concerning the practices, procedures, and technology used in the implementation of Next Generation 9–1–1;

(iii) advise and assist eligible entities in the preparation of implementation plans required under section 159(b)(2)(A)(iii);

(iv) provide technical assistance to eligible entities provided a grant under section 159(b) in support of efforts to explore efficiencies related to Next Generation 9–1–1;

(v) receive, review, and recommend to the Assistant Secretary [and the Administrator] the approval or

disapproval of applications for grants under section 159(b); and

(vi) oversee the use of funds provided by such grants in fulfilling such implementation plans.

(B) ANNUAL REPORTS.—Not later than October 1, 2023, and each year thereafter until funds made available to make grants under section 159(b) are no longer available to be expended, the Assistant Secretary [and the Administrator] shall submit to Congress a report on the activities conducted by the Office under subparagraph (A) in the year preceding the submission of the report.

(b) 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—

(1) MATCHING GRANTS.—The Assistant Secretary [and the Administrator], acting through the Office, shall provide grants to eligible entities for—

(A) the implementation and operation of 9–1–1 services, E9–1–1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9–1–1 services and applications;

(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9–1–1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9–1–1 services.

(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 60 percent.

(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary [and the Administrator] shall require an eligible entity to certify in its application that—

(A) in the case of an eligible entity that is a State government, the entity—

(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9–1–1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services or to manage emergency communications operations;

(iii) has established a plan for the coordination and implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; and

(iv) has integrated telecommunications services involved in the implementation and delivery of 9–1–1

services, E9-1-1 services, and Next Generation 9-1-1 services; or

(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

(4) CRITERIA.—Not later than 120 days after the date of enactment of the Next Generation 9-1-1 Advancement Act of 2012, the Assistant Secretary [and the Administrator] shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this section. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section. The Assistant Secretary [and the Administrator] shall update such regulations as necessary.

(c) DIVERSION OF 9-1-1 CHARGES.—

(1) DESIGNATED 9-1-1 CHARGES.—For the purposes of this subsection, the term “designated 9-1-1 charges” means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services.

(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary [and the Administrator] at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary [and the Administrator] annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated 9-1-1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated 9-1-1 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services, all of the funds from such grant shall be returned to the Office.

(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (2) knowing that the information provided in the certification was false shall—

(A) not be eligible to receive the grant under subsection (b);

(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

(C) not be eligible to receive any subsequent grants under subsection (b).

(d) FUNDING AND TERMINATION.—

(1) IN GENERAL.—From the amounts made available to the Assistant Secretary [and the Administrator] under section 6413(b)(6) of the Middle Class Tax Relief and Job Creation Act of 2012, the Assistant Secretary [and the Administrator] are authorized to provide grants under this section through the end of fiscal year 2022. Not more than 5 percent of such amounts may be obligated or expended to cover the administrative costs of carrying out this section.

(2) TERMINATION.—Effective on October 1, 2022, the authority provided by this [section] *section (except for paragraphs (1) and (4) of subsection (a) and for subsection (e))* terminates and this [section] *section (except for paragraphs (1) and (4) of subsection (a) and for subsection (e))* shall have no effect.

(e) DEFINITIONS.—In this section, the following definitions shall apply:

(1) 9–1–1 SERVICES.—The term “9–1–1 services” includes both E9–1–1 services and Next Generation 9–1–1 services.

(2) E9–1–1 SERVICES.—The term “E9–1–1 services” means both phase I and phase II enhanced 9–1–1 services, as described in section 20.18 of the Commission’s regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the Next Generation 9–1–1 Advancement Act of 2012, or as subsequently revised by the Commission.

(3) ELIGIBLE ENTITY.—

(A) IN GENERAL.—The term “eligible entity” means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1))).

(B) INSTRUMENTALITIES.—The term “eligible entity” includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

(C) EXCEPTION.—The term “eligible entity” does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

(4) EMERGENCY CALL.—The term “emergency call” refers to any real-time communication with a public safety answering point or other emergency management or response agency, including—

(A) through voice, text, or video and related data; and

(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

(5) NEXT GENERATION 9–1–1 SERVICES.—The term “Next Generation 9–1–1 services” means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

(A) provides standardized interfaces from emergency call and message services to support emergency communications;

(B) processes all types of emergency calls, including voice, data, and multimedia information;

(C) acquires and integrates additional emergency call data useful to call routing and handling;

(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(E) supports data or video communications needs for coordinated incident response and management; and

(F) provides broadband service to public safety answering points or other first responder entities.

(6) OFFICE.—The term “Office” means the 9–1–1 Implementation Coordination Office.

(7) PUBLIC SAFETY ANSWERING POINT.—The term “public safety answering point” has the meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(8) STATE.—The term “State” means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 159. COORDINATION OF NEXT GENERATION 9–1–1 IMPLEMENTATION.

(a) ADDITIONAL FUNCTIONS OF 9–1–1 IMPLEMENTATION COORDINATION OFFICE.—

(1) MANAGEMENT PLAN.—

(A) DEVELOPMENT.—*The Assistant Secretary and the Administrator shall develop a management plan for the grant program established under this section, including by developing—*

(i) plans related to the organizational structure of such program; and

(ii) funding profiles for each fiscal year of the duration of such program.

(B) SUBMISSION TO CONGRESS.—*Not later than 180 days after the date of the enactment of this section, the Assistant Secretary and the Administrator shall—*

(i) submit the management plan developed under subparagraph (A) to—

(I) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

(II) the Committees on Energy and Commerce and Appropriations of the House of Representatives; and

(ii) publish the management plan developed under subparagraph (A) on the website of the National Telecommunications and Information Administration.

(2) MODIFICATION OF PLAN.—

(A) MODIFICATION.—*The Assistant Secretary and the Administrator may modify the management plan developed under paragraph (1)(A).*

(B) *SUBMISSION.*—Not later than 90 days after the plan is modified under subparagraph (A), the Assistant Secretary shall—

(i) submit the modified plan to—

(I) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

(II) the Committees on Energy and Commerce and Appropriations of the House of Representatives; and

(ii) publish the modified plan on the website of the National Telecommunications and Information Administration.

(b) *NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.*—

(1) *GRANTS.*—The Assistant Secretary, acting through the Office, shall provide grants to eligible entities for—

(A) implementing Next Generation 9–1–1;

(B) maintaining Next Generation 9–1–1;

(C) training directly related to implementing, maintaining, and operating Next Generation 9–1–1 if the cost related to the training does not exceed 3 percent of the total grant award;

(D) public outreach and education on how the public can best use Next Generation 9–1–1 and the capabilities and usefulness of Next Generation 9–1–1;

(E) administrative costs associated with planning of Next Generation 9–1–1, including any cost related to planning for and preparing an application and related materials as required by this subsection, if—

(i) the cost is fully documented in materials submitted to the Office; and

(ii) the cost is reasonable, necessary, and does not exceed 1 percent of the total grant award; and

(F) costs associated with implementing cybersecurity measures at emergency communications centers or with respect to Next Generation 9–1–1.

(2) *APPLICATION.*—In providing grants under paragraph (1), the Assistant Secretary, acting through the Office, shall require an eligible entity to submit to the Office an application, at the time and in the manner determined by the Assistant Secretary and the Administrator, and containing the certification required by paragraph (3).

(3) *COORDINATION REQUIRED.*—Each eligible entity shall include in the application required by paragraph (2) a certification that—

(A) in the case of an eligible entity that is a State, the entity—

(i) has coordinated the application with the emergency communications centers located within the jurisdiction of the entity;

(ii) has designated a single officer or governmental body to serve as the State point of contact to coordinate the implementation of Next Generation 9–1–1 for that State, except that such designation need not vest such officer or governmental body with direct legal authority

to implement Next Generation 9–1–1 or to manage emergency communications operations; and

(iii) has developed and submitted a plan for the coordination and implementation of Next Generation 9–1–1 that—

(I) ensures interoperability by requiring the use of commonly accepted standards;

(II) ensures reliable operations;

(III) enables emergency communications centers to process, analyze, and store multimedia, data, and other information;

(IV) incorporates cybersecurity tools, including intrusion detection and prevention measures;

(V) includes strategies for coordinating cybersecurity information sharing between Federal, State, Tribal, and local government partners;

(VI) uses open and competitive request for proposal processes, including through shared government procurement vehicles, for deployment of Next Generation 9–1–1;

(VII) documents how input was received and accounted for from relevant rural and urban emergency communications centers, regional authorities, local authorities, and Tribal authorities;

(VIII) includes a governance body or bodies, either by creation of new, or use of existing, body or bodies, for the development and deployment of Next Generation 9–1–1 that—

(aa) ensures full notice and opportunity for participation by relevant stakeholders; and

(bb) consults and coordinates with the State point of contact required by clause (ii);

(IX) creates efficiencies related to Next Generation 9–1–1 functions, including cybersecurity and the virtualization and sharing of infrastructure, equipment, and services; and

(X) utilizes an effective, competitive approach to establishing authentication, credentialing, secure connections, and access in deploying Next Generation 9–1–1, including by—

(aa) requiring certificate authorities to be capable of cross-certification with other authorities;

(bb) avoiding risk of a single point of failure or vulnerability; and

(cc) adhering to Federal agency best practices such as those promulgated by the National Institute of Standards and Technology; and

(B) in the case of an eligible entity that is a Tribal Organization, the Tribal Organization has complied with clauses (i) and (iii) of subparagraph (A).

(4) CRITERIA.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Assistant Secretary and

the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this subsection.

(B) REQUIREMENTS.—The criteria shall—

(i) include performance requirements and a schedule for completion of any project to be financed by a grant under this subsection; and

(ii) specifically permit regional or multi-State applications for funds.

(C) UPDATES.—The Assistant Secretary and the Administrator shall update such regulations as necessary.

(5) GRANT CERTIFICATIONS.—Each eligible entity shall certify to the Assistant Secretary at the time of application, and each eligible entity that receives such a grant shall certify to the Assistant Secretary annually thereafter during any period of time the funds from the grant are available to the eligible entity, that—

(A) beginning on the date that is 180 days before the date on which the application is filed, no portion of any 9–1–1 fee or charge imposed by the eligible entity (or in the case that the eligible entity is not a State or Tribal organization, any State or taxing jurisdiction within which the eligible entity will carry out, or is carrying out, activities using grant funds) are obligated or expended for a purpose or function not designated under the rules issued pursuant to section 6(f)(3) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)) (as such rules are in effect on the date on which the eligible entity makes the certification) as acceptable;

(B) any funds received by the eligible entity will be used consistent with subsection (b)(1) to support the deployment of Next Generation 9–1–1 that ensures reliability and interoperability, by requiring the use of commonly accepted standards;

(C) the eligible entity (or in the case that the eligible entity is not a State or Tribal organization, any State or taxing jurisdiction within which the eligible entity will carry out or is carrying out activities using grant funds) has established, or has committed to establish not later than 3 years following the date on which the grant funds are distributed to the eligible entity—

(i) a sustainable funding mechanism for Next Generation 9–1–1; and

(ii) effective cybersecurity resources for Next Generation 9–1–1;

(D) the eligible entity will promote interoperability between emergency communications centers deploying Next Generation 9–1–1 and emergency response providers, including users of the nationwide public safety broadband network;

(E) the eligible entity has or will take steps to coordinate with adjoining States and Tribes to establish and maintain Next Generation 9–1–1; and

(F) the eligible entity has developed a plan for public outreach and education on how the public can best use Next Generation 9–1–1 and on the capabilities and usefulness of Next Generation 9–1–1.

(6) CONDITION OF GRANT.—Each eligible entity shall agree, as a condition of receipt of a grant made under this subsection, that if any State or taxing jurisdiction within which the eligible entity will carry out activities using grant funds, during any period of time during which the funds from the grant are available to the eligible entity, fails to comply a certification required under paragraph (5), all of the funds from such grant shall be returned to the Office.

(7) PENALTY FOR PROVIDING FALSE INFORMATION.—Any eligible entity that provides a certification under paragraph (5) knowing that the information provided in the certification was false shall—

(A) not be eligible to receive the grant under this subsection;

(B) return any grant awarded under this subsection; and

(C) not be eligible to receive any subsequent grants under this subsection.

(8) PROHIBITION.—Grant funds provided under this subsection may not be used—

(A) to support any activity of the First Responder Network Authority; or

(B) to make any payments to a person who has been, for reasons of national security, prohibited by any entity of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.

(c) DEFINITIONS.—In this section and sections 160 and 161:

(1) 9–1–1 FEE OR CHARGE.—The term “9–1–1 fee or charge” has the meaning given such term in section 6(f)(3)(D) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)(D)), as such rules are in effect as of the date of the certification.

(2) 9–1–1 REQUEST FOR EMERGENCY ASSISTANCE.—The term “9–1–1 request for emergency assistance” means a communication, such as voice, text, picture, multimedia, or any other type of data that is sent to a facility for the purpose of requesting emergency assistance.

(3) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Highway Traffic Safety Administration.

(4) COMMONLY ACCEPTED STANDARDS.—The term “commonly accepted standards” mean the technical standards followed by the communications industry for network, device, and Internet Protocol connectivity that—

(A) enable interoperability; and

(B) are—

(i) developed and approved by a standards development organization that is accredited by an American or international standards body (such as the American National Standards Institute or International Code Council) in a process—

- (I) that is open to the public, including open for participation by any person; and
 - (II) provides for a conflict resolution process;
 - (ii) subject to an open comment and input process before being finalized by the standards development organization;
 - (iii) consensus-based; and
 - (iv) made publicly available once approved.
- (5) **COST RELATED TO TRAINING.**—The term “cost related to training” means—
- (A) actual wages incurred for travel and attendance, including any necessary overtime pay and backfill wage;
 - (B) travel expenses;
 - (C) instructor expenses; or
 - (D) facility costs and training materials.
- (6) **ELIGIBLE ENTITY.**—The term “eligible entity”—
- (A) means a State or a Tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));
 - (B) may be an entity, including a public authority, board, or commission, established by one or more entities described in subparagraph (A); and
 - (C) does not include any entity that has failed to submit the certifications required under subsection (b)(5).
- (7) **EMERGENCY COMMUNICATIONS CENTER.**—The term “emergency communications center”—
- (A) means a facility that—
 - (i) is designated to receive a 9–1–1 request for emergency assistance; and
 - (ii) performs one or more of the following functions—
 - (I) process and analyze 9–1–1 requests for emergency assistance and information and data related to such requests;
 - (II) dispatch appropriate emergency response providers;
 - (III) transfer or exchange 9–1–1 requests for emergency assistance and information and data related to such requests with one or more facilities described under this paragraph and emergency response providers;
 - (IV) analyze any communications received from emergency response providers; and
 - (V) support incident command functions; or
 - (B) may be a public safety answering point, as defined in section 222 of the Communications Act of 1934 (47 U.S.C. 222).
- (8) **EMERGENCY RESPONSE PROVIDER.**—The term “emergency response provider” has the meaning given that term under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).
- (9) **FIRST RESPONDER NETWORK AUTHORITY.**—The term “First Responder Network Authority” means the authority established under 6204 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1424).
- (10) **INTEROPERABLE.**—The term “interoperable” or “interoperability” means the capability of emergency communications cen-

ters to receive 9–1–1 requests for emergency assistance and information/data related to such requests, such as location information and callback numbers from a person initiating the request, then process and share the 9–1–1 requests for emergency assistance and information/data related to such requests with other emergency communications centers and emergency response providers without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or other relevant factors.

(11) **NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK.**—The term “nationwide public safety broadband network” has the meaning given the term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401).

(12) **NEXT GENERATION 9–1–1.**—The term “Next Generation 9–1–1” means an interoperable, secure, Internet Protocol-based system that—

(A) employs commonly accepted standards;

(B) enables emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance;

(C) acquires and integrates additional information useful to handling 9–1–1 requests for emergency assistance; and

(D) supports sharing information related to 9–1–1 requests for emergency assistance among emergency communications centers and emergency response providers.

(13) **OFFICE.**—The term “Office” means the 9–1–1 Implementation Coordination Office established under section 158.

(14) **RELIABILITY.**—The term “reliability” or “reliable” means the employment of sufficient measures to ensure the ongoing operation of Next Generation 9–1–1 including through the use of geo-diverse, device- and network-agnostic elements that provide more than one route between end points with no common points where a single failure at that point would cause all to fail.

(15) **STATE.**—The term “State” means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(16) **SUSTAINABLE FUNDING MECHANISM.**—The term “sustainable funding mechanism” means a funding mechanism that provides adequate revenues to cover ongoing expenses, including operations, maintenance, and upgrades.

(d) **SAVINGS PROVISION.**—Nothing in this title, or any amendment made by this title, shall affect any application pending or grant awarded under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) before the date of the enactment of this section.

SEC. 160. ESTABLISHMENT OF NATIONWIDE NEXT GENERATION 9–1–1 CYBERSECURITY CENTER.

The Assistant Secretary and the Administrator shall establish a Next Generation 9–1–1 Cybersecurity Center to Coordinate with State, local, and regional governments on the sharing of cybersecurity information about, the analysis of cybersecurity threats to, and guidelines for strategies to detect and prevent cybersecurity intrusions relating to Next-Generation 9–1–1.

SEC. 161. NEXT GENERATION 9-1-1 ADVISORY BOARD.**(a) NEXT GENERATION 9-1-1 ADVISORY BOARD.—**

(1) *ESTABLISHMENT.*—The Assistant Secretary and the Administrator, acting through the Office, shall establish a “Public Safety Next Generation 9-1-1 Advisory Board” (in this section referred to as the “Board”) to provide recommendations to the Office—

(A) with respect to carrying out the duties and responsibilities of the Office in issuing the regulations required under section 159(b);

(B) as required by paragraph (7); and

(C) upon request under paragraph (8).

(2) MEMBERSHIP.—

(A) *VOTING MEMBERS.*—Not later than 150 days after the date of enactment of this section, the Assistant Secretary and the Administrator, acting through the Office, shall appoint 16 public safety members to the Board, of which—

(i) 4 members shall represent local law enforcement officials;

(ii) 4 members shall represent fire and rescue officials;

(iii) 4 members shall represent emergency medical service officials; and

(iv) 4 members shall represent 9-1-1 professionals.

(B) *DIVERSITY OF MEMBERSHIP.*—Members shall be representatives of State or Tribes and local governments, chosen to reflect geographic and population density differences as well as public safety organizations at the national level across the United States.

(C) *EXPERTISE.*—All members shall have specific expertise necessary for developing technical requirements under this section, such as technical expertise, and expertise related to public safety communications and 9-1-1 services.

(D) *RANK AND FILE MEMBERS.*—A rank and file member from each of the public safety disciplines listed in clauses (i) through (iv) of subparagraph (A) shall be appointed as a member of the Board and shall be selected from an organization that represents their public safety discipline at the national level.

(3) PERIOD OF APPOINTMENT.—

(A) *IN GENERAL.*—Except as provided in subparagraph (B), members of the Board shall serve for a 3-year term.

(B) *REMOVAL FOR CAUSE.*—A member of the Board may be removed for cause upon the determination of the Assistant Secretary and the Administrator.

(4) *VACANCIES.*—Any vacancy in the Board shall be filled in the same manner as the original appointment.

(5) *QUORUM.*—A majority of the members of the Board shall constitute a quorum.

(6) *CHAIRPERSON AND VICE CHAIRPERSON.*—The Board shall select a Chairperson and Vice Chairperson from among the voting members of the Board.

(7) *DUTY OF BOARD TO SUBMIT RECOMMENDATIONS.*—Not later than 120 days after all members of the Board are ap-

pointed under paragraph (2), the Board shall submit to the Office recommendations for the following—

(A) deploying Next Generation 9–1–1 in rural and urban areas;

(B) ensuring flexibility in guidance, rules, and grant funding to allow for technology improvements;

(C) creating efficiencies related to Next Generation 9–1–1, including cybersecurity and the virtualization and sharing of core infrastructure;

(D) enabling effective coordination among State, local, Tribal, and territorial government entities to ensure that the needs of emergency communications centers in both rural and urban areas are taken into account in each implementation plan required under section 159(b)(2)(A)(iii); and

(E) incorporating existing cybersecurity resources to Next Generation 9–1–1 procurement and deployment.

(8) AUTHORITY TO PROVIDE ADDITIONAL RECOMMENDATIONS.—Except as provided in paragraphs (1) and (7), the Board may provide recommendations to the Office only upon request of the Office.

(9) DURATION OF AUTHORITY.—The Board shall terminate on the date on which funds made available to make grants under section 159(b) are no longer available to be expended.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of the Office to seek comment from stakeholders and the public.

[Effective on the date of the enactment of H.R. 7624, section 301(b) of such bill (as reported) adds new sections 159–161 to part C of the National Telecommunications and Information Administration Organization Act (shown above in italic). Effective October 1, 2022, section 302(d)(1) of H.R. 7624 (as reported) provides for further amendments to sections 159 through 161 (as so added) as follows:]

SEC. 159. COORDINATION OF NEXT GENERATION 9–1–1 IMPLEMENTATION.

(a) ADDITIONAL FUNCTIONS OF 9–1–1 IMPLEMENTATION COORDINATION OFFICE.—

(1) MANAGEMENT PLAN.—

(A) DEVELOPMENT.—The Assistant Secretary [and the Administrator] shall develop a management plan for the grant program established under this section, including by developing—

(i) plans related to the organizational structure of such program; and

(ii) funding profiles for each fiscal year of the duration of such program.

(B) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this section, the Assistant Secretary [and the Administrator] shall—

(i) submit the management plan developed under subparagraph (A) to—

(I) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

- (II) the Committees on Energy and Commerce and Appropriations of the House of Representatives; and
 - (ii) publish the management plan developed under subparagraph (A) on the website of the National Telecommunications and Information Administration.
 - (2) MODIFICATION OF PLAN.—
 - (A) MODIFICATION.—The Assistant Secretary [and the Administrator] may modify the management plan developed under paragraph (1)(A).
 - (B) SUBMISSION.—Not later than 90 days after the plan is modified under subparagraph (A), the Assistant Secretary shall—
 - (i) submit the modified plan to—
 - (I) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and
 - (II) the Committees on Energy and Commerce and Appropriations of the House of Representatives; and
 - (ii) publish the modified plan on the website of the National Telecommunications and Information Administration.
 - (b) NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—
 - (1) GRANTS.—The Assistant Secretary, acting through the Office, shall provide grants to eligible entities for—
 - (A) implementing Next Generation 9–1–1;
 - (B) maintaining Next Generation 9–1–1;
 - (C) training directly related to implementing, maintaining, and operating Next Generation 9–1–1 if the cost related to the training does not exceed 3 percent of the total grant award;
 - (D) public outreach and education on how the public can best use Next Generation 9–1–1 and the capabilities and usefulness of Next Generation 9–1–1;
 - (E) administrative costs associated with planning of Next Generation 9–1–1, including any cost related to planning for and preparing an application and related materials as required by this subsection, if—
 - (i) the cost is fully documented in materials submitted to the Office; and
 - (ii) the cost is reasonable, necessary, and does not exceed 1 percent of the total grant award; and
 - (F) costs associated with implementing cybersecurity measures at emergency communications centers or with respect to Next Generation 9–1–1.
 - (2) APPLICATION.—In providing grants under paragraph (1), the Assistant Secretary, acting through the Office, shall require an eligible entity to submit to the Office an application, at the time and in the manner determined by the Assistant Secretary [and the Administrator], and containing the certification required by paragraph (3).
 - (3) COORDINATION REQUIRED.—Each eligible entity shall include in the application required by paragraph (2) a certification that—

(A) in the case of an eligible entity that is a State, the entity—

(i) has coordinated the application with the emergency communications centers located within the jurisdiction of the entity;

(ii) has designated a single officer or governmental body to serve as the State point of contact to coordinate the implementation of Next Generation 9–1–1 for that State, except that such designation need not vest such officer or governmental body with direct legal authority to implement Next Generation 9–1–1 or to manage emergency communications operations; and

(iii) has developed and submitted a plan for the coordination and implementation of Next Generation 9–1–1 that—

(I) ensures interoperability by requiring the use of commonly accepted standards;

(II) ensures reliable operations;

(III) enables emergency communications centers to process, analyze, and store multimedia, data, and other information;

(IV) incorporates cybersecurity tools, including intrusion detection and prevention measures;

(V) includes strategies for coordinating cybersecurity information sharing between Federal, State, Tribal, and local government partners;

(VI) uses open and competitive request for proposal processes, including through shared government procurement vehicles, for deployment of Next Generation 9–1–1;

(VII) documents how input was received and accounted for from relevant rural and urban emergency communications centers, regional authorities, local authorities, and Tribal authorities;

(VIII) includes a governance body or bodies, either by creation of new, or use of existing, body or bodies, for the development and deployment of Next Generation 9–1–1 that—

(aa) ensures full notice and opportunity for participation by relevant stakeholders; and

(bb) consults and coordinates with the State point of contact required by clause (ii);

(IX) creates efficiencies related to Next Generation 9–1–1 functions, including cybersecurity and the virtualization and sharing of infrastructure, equipment, and services; and

(X) utilizes an effective, competitive approach to establishing authentication, credentialing, secure connections, and access in deploying Next Generation 9–1–1, including by—

(aa) requiring certificate authorities to be capable of cross-certification with other authorities;

(bb) avoiding risk of a single point of failure or vulnerability; and

(cc) adhering to Federal agency best practices such as those promulgated by the National Institute of Standards and Technology; and

(B) in the case of an eligible entity that is a Tribal Organization, the Tribal Organization has complied with clauses (i) and (iii) of subparagraph (A).

(4) CRITERIA.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Assistant Secretary [and the Administrator] shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this subsection.

(B) REQUIREMENTS.—The criteria shall—

(i) include performance requirements and a schedule for completion of any project to be financed by a grant under this subsection; and

(ii) specifically permit regional or multi-State applications for funds.

(C) UPDATES.—The Assistant Secretary [and the Administrator] shall update such regulations as necessary.

(5) GRANT CERTIFICATIONS.—Each eligible entity shall certify to the Assistant Secretary at the time of application, and each eligible entity that receives such a grant shall certify to the Assistant Secretary annually thereafter during any period of time the funds from the grant are available to the eligible entity, that—

(A) beginning on the date that is 180 days before the date on which the application as filed, no portion of any 9–1–1 fee or charge imposed by the eligible entity (or in the case that the eligible entity is not a State or Tribal organization, any State or taxing jurisdiction within which the eligible entity will carry out, or is carrying out, activities using grant funds) are obligated or expended for a purpose or function not designated under the rules issued pursuant to section 6(f)(3) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)) (as such rules are in effect on the date on which the eligible entity makes the certification) as acceptable;

(B) any funds received by the eligible entity will be used consistent with subsection (b)(1) to support the deployment of Next Generation 9–1–1 that ensures reliability and interoperability, by requiring the use of commonly accepted standards;

(C) the eligible entity (or in the case that the eligible entity is not a State or Tribal organization, any State or taxing jurisdiction within which the eligible entity will carry out or is carrying out activities using grant funds) has established, or has committed to establish not later than 3 years following the date on which the grant funds are distributed to the eligible entity—

(i) a sustainable funding mechanism for Next Generation 9–1–1; and

(ii) effective cybersecurity resources for Next Generation 9–1–1;

(D) the eligible entity will promote interoperability between emergency communications centers deploying Next Generation 9–1–1 and emergency response providers, including users of the nationwide public safety broadband network;

(E) the eligible entity has or will take steps to coordinate with adjoining States and Tribes to establish and maintain Next Generation 9–1–1; and

(F) the eligible entity has developed a plan for public outreach and education on how the public can best use Next Generation 9–1–1 and on the capabilities and usefulness of Next Generation 9–1–1.

(6) **CONDITION OF GRANT.**—Each eligible entity shall agree, as a condition of receipt of a grant made under this subsection, that if any State or taxing jurisdiction within which the eligible entity will carry out activities using grant funds, during any period of time during which the funds from the grant are available to the eligible entity, fails to comply a certification required under paragraph (5), all of the funds from such grant shall be returned to the Office.

(7) **PENALTY FOR PROVIDING FALSE INFORMATION.**—Any eligible entity that provides a certification under paragraph (5) knowing that the information provided in the certification was false shall—

(A) not be eligible to receive the grant under this subsection;

(B) return any grant awarded under this subsection; and

(C) not be eligible to receive any subsequent grants under this subsection.

(8) **PROHIBITION.**—Grant funds provided under this subsection may not be used—

(A) to support any activity of the First Responder Network Authority; or

(B) to make any payments to a person who has been, for reasons of national security, prohibited by any entity of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.

(c) **DEFINITIONS.**—In this section and sections 160 and 161:

(1) **9–1–1 FEE OR CHARGE.**—The term “9–1–1 fee or charge” has the meaning given such term in section 6(f)(3)(D) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)(D)), as such rules are in effect as of the date of the certification.

(2) **9–1–1 REQUEST FOR EMERGENCY ASSISTANCE.**—The term “9–1–1 request for emergency assistance” means a communication, such as voice, text, picture, multimedia, or any other type of data that is sent to a facility for the purpose of requesting emergency assistance.

[(3) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Highway Traffic Safety Administration.]

(4) **COMMONLY ACCEPTED STANDARDS.**—The term “commonly accepted standards” mean the technical standards followed by

the communications industry for network, device, and Internet Protocol connectivity that—

(A) enable interoperability; and

(B) are—

(i) developed and approved by a standards development organization that is accredited by an American or international standards body (such as the American National Standards Institute or International Code Council) in a process—

(I) that is open to the public, including open for participation by any person; and

(II) provides for a conflict resolution process;

(ii) subject to an open comment and input process before being finalized by the standards development organization;

(iii) consensus-based; and

(iv) made publicly available once approved.

(5) COST RELATED TO TRAINING.—The term “cost related to training” means—

(A) actual wages incurred for travel and attendance, including any necessary overtime pay and backfill wage;

(B) travel expenses;

(C) instructor expenses; or

(D) facility costs and training materials.

(6) ELIGIBLE ENTITY.—The term “eligible entity”—

(A) means a State or a Tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(B) may be an entity, including a public authority, board, or commission, established by one or more entities described in subparagraph (A); and

(C) does not include any entity that has failed to submit the certifications required under subsection (b)(5).

(7) EMERGENCY COMMUNICATIONS CENTER.—The term “emergency communications center”—

(A) means a facility that—

(i) is designated to receive a 9–1–1 request for emergency assistance; and

(ii) performs one or more of the following functions—

(I) process and analyze 9–1–1 requests for emergency assistance and information and data related to such requests;

(II) dispatch appropriate emergency response providers;

(III) transfer or exchange 9–1–1 requests for emergency assistance and information and data related to such requests with one or more facilities described under this paragraph and emergency response providers;

(IV) analyze any communications received from emergency response providers; and

(V) support incident command functions; or

(B) may be a public safety answering point, as defined in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(8) **EMERGENCY RESPONSE PROVIDER.**—The term “emergency response provider” has the meaning given that term under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(9) **FIRST RESPONDER NETWORK AUTHORITY.**—The term “First Responder Network Authority” means the authority established under 6204 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1424).

(10) **INTEROPERABLE.**—The term “interoperable” or “interoperability” means the capability of emergency communications centers to receive 9–1–1 requests for emergency assistance and information/data related to such requests, such as location information and callback numbers from a person initiating the request, then process and share the 9–1–1 requests for emergency assistance and information/data related to such requests with other emergency communications centers and emergency response providers without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or other relevant factors.

(11) **NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK.**—The term “nationwide public safety broadband network” has the meaning given the term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401).

(12) **NEXT GENERATION 9–1–1.**—The term “Next Generation 9–1–1” means an interoperable, secure, Internet Protocol-based system that—

(A) employs commonly accepted standards;

(B) enables emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance;

(C) acquires and integrates additional information useful to handling 9–1–1 requests for emergency assistance; and

(D) supports sharing information related to 9–1–1 requests for emergency assistance among emergency communications centers and emergency response providers.

(13) **OFFICE.**—The term “Office” means the 9–1–1 Implementation Coordination Office established under section 158.

(14) **RELIABILITY.**—The term “reliability” or “reliable” means the employment of sufficient measures to ensure the ongoing operation of Next Generation 9–1–1 including through the use of geo-diverse, device- and network-agnostic elements that provide more than one route between end points with no common points where a single failure at that point would cause all to fail.

(15) **STATE.**—The term “State” means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(16) **SUSTAINABLE FUNDING MECHANISM.**—The term “sustainable funding mechanism” means a funding mechanism that provides adequate revenues to cover ongoing expenses, including operations, maintenance, and upgrades.

(d) **SAVINGS PROVISION.**—Nothing in this title, or any amendment made by this title, shall affect any application pending or grant awarded under section 158 of the National Telecommunications

and Information Administration Organization Act (47 U.S.C. 942) before the date of the enactment of this section.

SEC. 160. ESTABLISHMENT OF NATIONWIDE NEXT GENERATION 9-1-1 CYBERSECURITY CENTER.

The Assistant Secretary [and the Administrator] shall establish a Next Generation 9-1-1 Cybersecurity Center to Coordinate with State, local, and regional governments on the sharing of cybersecurity information about, the analysis of cybersecurity threats to, and guidelines for strategies to detect and prevent cybersecurity intrusions relating to Next-Generation 9-1-1.

SEC. 161. NEXT GENERATION 9-1-1 ADVISORY BOARD.

(a) NEXT GENERATION 9-1-1 ADVISORY BOARD.—

(1) ESTABLISHMENT.—The Assistant Secretary [and the Administrator], acting through the Office, shall establish a “Public Safety Next Generation 9-1-1 Advisory Board” (in this section referred to as the “Board”) to provide recommendations to the Office—

(A) with respect to carrying out the duties and responsibilities of the Office in issuing the regulations required under section 159(b);

(B) as required by paragraph (7); and

(C) upon request under paragraph (8).

(2) MEMBERSHIP.—

(A) VOTING MEMBERS.—Not later than 150 days after the date of enactment of this section, the Assistant Secretary [and the Administrator], acting through the Office, shall appoint 16 public safety members to the Board, of which—

(i) 4 members shall represent local law enforcement officials;

(ii) 4 members shall represent fire and rescue officials;

(iii) 4 members shall represent emergency medical service officials; and

(iv) 4 members shall represent 9-1-1 professionals.

(B) DIVERSITY OF MEMBERSHIP.—Members shall be representatives of State or Tribes and local governments, chosen to reflect geographic and population density differences as well as public safety organizations at the national level across the United States.

(C) EXPERTISE.—All members shall have specific expertise necessary for developing technical requirements under this section, such as technical expertise, and expertise related to public safety communications and 9-1-1 services.

(D) RANK AND FILE MEMBERS.—A rank and file member from each of the public safety disciplines listed in clauses (i) through (iv) of subparagraph (A) shall be appointed as a member of the Board and shall be selected from an organization that represents their public safety discipline at the national level.

(3) PERIOD OF APPOINTMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Board shall serve for a 3-year term.

(B) REMOVAL FOR CAUSE.—A member of the Board may be removed for cause upon the determination of the Assistant Secretary [and the Administrator].

(4) VACANCIES.—Any vacancy in the Board shall be filled in the same manner as the original appointment.

(5) QUORUM.—A majority of the members of the Board shall constitute a quorum.

(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the voting members of the Board.

(7) DUTY OF BOARD TO SUBMIT RECOMMENDATIONS.—Not later than 120 days after all members of the Board are appointed under paragraph (2), the Board shall submit to the Office recommendations for the following—

(A) deploying Next Generation 9–1–1 in rural and urban areas;

(B) ensuring flexibility in guidance, rules, and grant funding to allow for technology improvements;

(C) creating efficiencies related to Next Generation 9–1–1, including cybersecurity and the virtualization and sharing of core infrastructure;

(D) enabling effective coordination among State, local, Tribal, and territorial government entities to ensure that the needs of emergency communications centers in both rural and urban areas are taken into account in each implementation plan required under section 159(b)(2)(A)(iii); and

(E) incorporating existing cybersecurity resources to Next Generation 9–1–1 procurement and deployment.

(8) AUTHORITY TO PROVIDE ADDITIONAL RECOMMENDATIONS.—Except as provided in paragraphs (1) and (7), the Board may provide recommendations to the Office only upon request of the Office.

(9) DURATION OF AUTHORITY.—The Board shall terminate on the date on which funds made available to make grants under section 159(b) are no longer available to be expended.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of the Office to seek comment from stakeholders and the public.

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